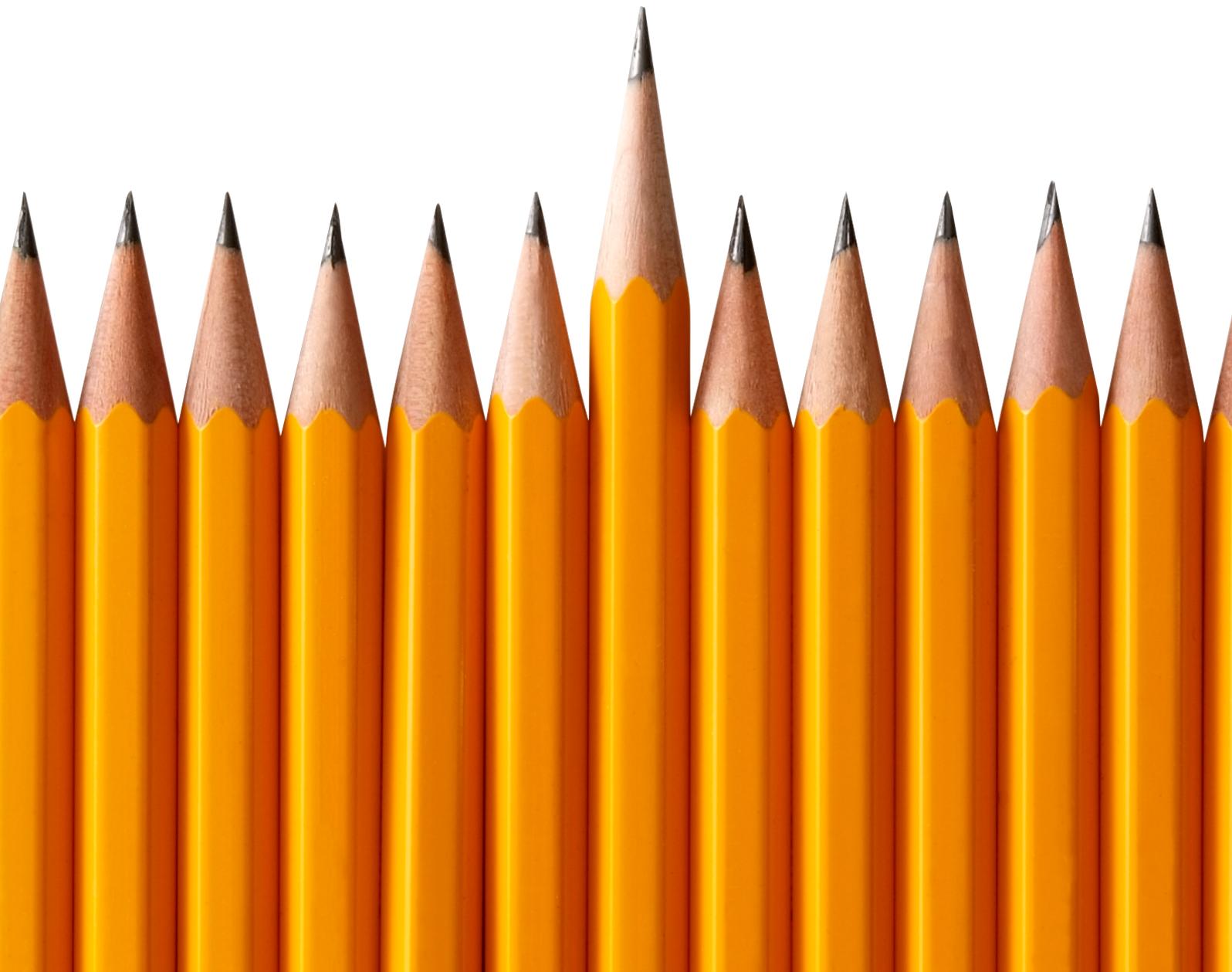




An Unholy Mess

How virtually all religiously selective state schools in England are breaking the law

A BHA report for the Fair Admissions Campaign





About the British Humanist Association

The British Humanist Association is the national charity (no. 285987) working on behalf of non-religious people who seek to live ethical and fulfilling lives on the basis of reason and humanity. It promotes a secular state and equal treatment in law and policy of everyone, regardless of religion or belief.

About the Fair Admissions Campaign

The Fair Admissions Campaign is the campaign for all state-funded schools in England and Wales to be open equally to all children, without regard to religion or belief.

It is supported by a wide coalition of individuals and national and local organisations. Member organisations hold diverse views on whether or not the state should fund faith schools. But all believe that faith-based discrimination in access to taxpayer-funded schools is wrong in principle and a cause of religious, ethnic, and socio-economic segregation, all of which are harmful to community cohesion.

Credits

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Foreword

Professor Ted Cantle CBE
iCoCo Foundation

In December 2001 I launched the report of the Home Office's independent Community Cohesion Review Team, which I chaired, into the race riots that had happened that summer in Oldham, Burnley, Bradford and elsewhere. The report, often known as the *Cantle Report*, identified high levels of segregation between the white and Asian communities in those towns and cities, and identified the need to bring people together. The segregation was all-encompassing – from the streets people lived in, to the places they worked, to the shops they visited, and the schools they attended.

There are several things that set schools apart from the others on this list. For one thing, the state provides school places for the vast majority of the population – and so the state has to take responsibility for the problems it has created and use its power to put things right. For another, it seems to me that if we had to pick any one part of society that we wish to be a microcosm of our society as a whole, it is our schools – as it is through our schools that prejudices can be dispelled before they have a chance to develop and it is where tolerance and understanding should be inculcated. If our schools are not inclusive, our society cannot be.

As a result, we recommended that 'All schools should consider ways in which they might ensure that their intake is representative of the range of cultures and ethnicity in their local communities.' We also recommended that every school ensured at least 25% of pupils came from each community.

But since 2001, things have if anything only got worse. The Fair Admissions Campaign map, published in 2013, showed the huge extent to which socio-economic and ethnic segregation are endemic in some areas, and demonstrated conclusively that religious selection in school admissions is a major cause of this.

Now this report lifts the lid on how exactly that selection occurs. The complexity of some schools' admissions policies seems to be designed to confuse and mislead, and the range of ways in which they have been discriminating – including several breaches of the Equality Act – is simply shameful. The fact that it has been left to a voluntary group, the Fair Admissions Campaign, to challenge and clean up the admissions policies of some religiously selective schools, makes it plain that the system isn't working. And only a fraction of all such schools have yet been examined.

School admissions policies are letting down parents, carers and children. They are letting down our communities too, with partial and prejudiced – and in some cases extreme – views of the world going unchallenged.

It is time for change.

'The school is dividing the community. Most middle-class white, English parents "play the game" and send their children to the church school, while everyone else attends the non-church school, depriving children at both schools of a balanced mix of friends.'

Father, Hounslow

'My son has additional needs so I want to send him to the local school. I am concerned that this might not be possible due to his lack of faith, but I cannot check this as their admissions procedure is not on their website.'

Father, Sefton

'I moved to the area because there was a good school on the doorstep which would guarantee me entry....or so I thought. I've just been told my child has no chance of being accepted at the church school and our crime? We are Muslim!'

Mother, Kingston-upon-Thames

'I can't understand how we can have three schools 0.4 miles away but due to religious discrimination we are unable to get in any. I now won't be able to return to work as I can't get my son to his school and me into work.'

Mother, Surrey

'My faith is Church of England and my husband is Hindu and we decided that it would be confusing for our children to either take them to just the church or just the temple and equally confusing to take them to both. As a result, it is unlikely that we will get into our local primary school as we do not attend a place of worship. How can this be fair?'

Mother, Gloucestershire

'The experience I encountered during the admission process was appalling... the school have never provided any information concerning the measurement of faith and the church confirmed that the only information they held was the application for the church electoral roll.'

Father, Lancashire

'I want to apply for a local Jewish primary school for my daughter but they require a certificate of religious practice and letter signed by a lead minister to confirm regular worship. The archdiocese of the Catholic Church was not prepared to issue such written evidence of faith. Surely this selection criterion is contrary to equal opportunities as it discriminates against one particular religious group?'

Father, Liverpool

'My son who is now 5 has missed out on a placement at all the schools in our catchment area. I am a single working mum and am struggling to cope getting him to a school miles away. It is affecting my job as we need to use public transport and three bus journeys to get him to school which means I am often late for work. Over the last year he has slipped further and further down the waiting list and I am now very desperate for help.'

Mother, Barnet

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Introduction

Andrew Copson

Chief Executive, British Humanist Association

We have been aware for some time, as has almost everyone else involved in education, that the system by which schools religiously select their pupils is not fit for purpose. This report confirms that beyond all doubt.

The Adjudicator did not simply find breaches of the Code in every one of the schools we objected to; it invariably found further breaches beyond those that we had initially identified. Some schools were failing to prioritise looked after or previously looked after children, others were requiring financial support for associated organisations and there were even cases of direct discrimination on the basis of race and gender. (An overview of the issues identified can be found on pages 11-15.)

'When a system makes criminals out of schools, liars out of parents and, in the midst of it all, an awful lot of children get left behind, it is time for reform'

And while it is far from the case that every religiously selective school in the country is cynically manipulating the system or wilfully ignoring the Code in order to enhance their intake, the level of non-compliance that we found indicates that such manipulation is certainly taking place in far too many schools. It is for these instances that the need for reform is most immediate, but it is clear that vast numbers of schools simply lack the expertise and resources to navigate what is a muddled and overly-complex system.

Ultimately, of course, it does not matter whether the failures we identify are intentional or inadvertent. Children lose out either way. In the report we've recommended that the Code be subject to stricter enforcement, that it be clarified in some areas and completely revised in others, and these things would undoubtedly serve to improve the situation. It is clearly the case though that none of the problems we identify can be entirely solved unless religious selection is abandoned altogether.

Not only does the system provide schools with ample scope to act on the perverse incentive to admit only the most 'promising' children, it encourages and often forces parents to lie about their religion in order get their children into the local school. But perhaps worst of all, it defines those children by beliefs they are too young to confidently hold for themselves and then seeks to divide them on that basis.

When a system makes criminals out of schools, liars out of parents and, in the midst of it all, an awful lot of children get left behind, it is time for reform.

Andrew Copson

Context and overview of findings

Religious selection by state schools

There are 658 religiously selective state secondary schools in England and Wales, which is 19% of all mainstream state secondary schools. 339 are Roman Catholic, 209 are Church of England (CofE) or Church in Wales, 60 are 'generically' Christian, 11 are Jewish and 9 are Muslim.

In 2013-14 and again in 2014-15 we examined all these admissions policies in order to establish, for the first time ever, the extent to which their oversubscription criteria permit religious selection. This research was published in December 2013.ⁱ We found that 72% of places at these schools (430,000), or 13% of all mainstream state secondary school places, are subject to religious selection, if the schools are sufficiently oversubscribed.¹

We found large variations in the degree of secondary religious selection. 99.8% of places at Roman Catholic schools are subject to religious selection, as were over 90% of places at both Jewish and Muslim schools. On the other hand just 10.9% of generically Christian and 49.7% of CofE places were religiously selected – but if we just focus on those CofE schools that are not subject to external restrictions on how religiously selective they can be² then the figure rises to 68%. 55 CofE secondaries do not have religiously selective admissions policies, 85 have partially selective and 66 have fully selective policies.

A fuller overview of the issues related to religious selection is available on the Fair Admissions Campaign website.ⁱⁱ

The legal framework and School Admissions Code

Every state-funded school in England must comply with the *School Admissions Code*,^{3,iii} along with the *School Admission Appeals Code*,^{iv} and the statutory legislation that underpins the Code, namely the School Standards and Framework Act 1998^v and its accompanying regulations.^{vi} Schools must also follow the Equality Act 2010 and Human Rights Act 1998,^{vii} relevant sections of which are quoted by the Code. And they are under a duty to promote community cohesion.^{viii}

Admission authorities for schools⁴ must annually determine admission arrangements that clearly set out the process by which children will be admitted to the school, both within and outside of the normal admission round. The arrangements must specify how many pupils the school will admit to each year group, and in what order pupils will be admitted when the school is oversubscribed (i.e. when there are more applicants than places). Admission authorities must consult on their arrangements at least every seven years, or when changes are proposed to be made to them.⁵

1. From this we estimated that 17% of all mainstream state primary school places, or 770,000, are similarly religiously selective.

2. i.e. the Voluntary Aided and Foundation schools and Academies that were formerly VA or Foundation schools.

3. The Code, as it was at the time of the complaints covered in this report, was the 2012 *School Admissions Code*. It has been revised several times over the years and a new Code was brought into force in December 2014. As all the objections were made prior to this date, they were considered under the 2012 Code, but it is essentially the same in almost all relevant regards.

4. Be this the school, as is the case with voluntary aided, foundation, academy and free schools, or the local authority, as is the case with community and voluntary controlled schools.

5. Except where proposing to increase the published admission number or where such changes are necessary to comply with the School Admissions Code.

The Equality Act 2010 precludes discrimination on the basis of religion or belief, including by schools in their admission arrangements. However there is an exception written into the Act permitting schools designated as having a religious character, more commonly known as ‘faith schools’, to religiously select their pupils when oversubscribed. The Admissions Code similarly permits religiously designated schools to religiously select pupils. But it sets out a number of limits to this permission, as well as wider rules that apply to all state schools (whether religiously designated or not).

To give some examples of what these rules are: admission arrangements must be clear and accessible to parents/the public and any oversubscription criteria must be fair and objective. Schools are not allowed to require parents to financially or practically support any associated organisation, including any religious organisation, nor are religious schools allowed to take into account religious activities unless permitted by their religious authority (which for Church of England and Roman Catholic schools is their Diocese). They must also deal with looked-after and previously looked-after children (LAC and PLAC) in ways that afford them high degrees of priority,⁶ and children with statements of special educational needs (SEN) must be admitted first through a separate process entirely. They must not ask for any information from parents unless ‘it has a direct bearing on decisions about oversubscription criteria’. They must not ‘place any conditions on the consideration of applications other than those in the oversubscription criteria’, or ‘take into account any previous schools attended, unless it is a named feeder school’. They must have ‘an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated.’ Admission authorities must determine their admission arrangements and publish them on their websites by 15 April of the year preceding admission, and keep them on their websites until the end of the calendar year in which admission occurs. These rules attempt to mitigate the unfairness of selection on parents and children.

The Code and statute also provide a mechanism by which individuals can object if they believe that a school has not complied with the Admissions Code. Such objections can be lodged to the Office of the Schools Adjudicator (OSA), a specialist tribunal with statutory powers to order schools to amend their arrangements if it believes schools are non-compliant with the Code. Until this year, such objections have had to be lodged by 30 June for the following year’s admission arrangements, in order that any objections can be heard prior to the arrangements being used. From 2016 this date is changing to 15 May. Adjudicators also have discretionary powers to consider objections made after this date, and have the power to review aspects of a school’s arrangements other than those referred to them. Since 2012 the law has permitted anyone to object to arrangements – previously only parents, neighbouring schools and local authorities had been able to do so.

6. A ‘looked after child’ is defined by the Code as ‘a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions at the time of making an application to a school’.

‘Previously looked after children’ are defined as ‘children who were looked after, but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order).’

Overview of findings

In 2014 the Fair Admissions Campaign (FAC) became the first national organisation to submit a large number of objections to the Schools Adjudicator. This arose from concern about widespread non-compliance with the Code by religiously selective schools. FAC decided to investigate the admissions policies

of a sample of religiously selective secondary schools, namely, those in the 19 local authorities where the local authority's name starts with the letter 'B'. This covered 70 schools, out of 535 across England (or just over one eighth). FAC concluded that 69 of them broke the Admissions Code, and submitted objections to 43 of their arrangements (along with those of five other schools). FAC did not object to 26 schools' arrangements, where it considered that the issues were relatively minor or identical to other cases. The aim was not to overburden the OSA but to establish whether in the eyes of the law, there is indeed widespread noncompliance with the Code.

The OSA proceeded to find widespread non-compliance with the Code, supporting FAC's findings. At the time of writing, all but one of the cases have concluded.⁷

- **Widespread issues with clarity, fairness and objectivity.**

Almost all schools were found to have problems here, and almost 60% of these issues had to do with religious selection. This included lack of clarity as to the required frequency and duration of religious worship required, schools requiring both parents to attend worship, or asking a religious leader to sign a form confirming that the parent and/or child was religiously observant, but not specifying what is required to be so construed.

- Almost 90% of schools were found to be asking for information from parents that they did not need. This included the gender of the child (usually innocuous but in two cases leading to direct discrimination on the basis of gender under the Equality Act 2010), asking for details of both parents (and sometimes assuming they were of opposite genders – leading to further Equality Act problems), asking for details of religious observance in a different or more detailed way than was required for the oversubscription criteria, asking parents to declare their support for the ethos of the school, or asking both parents to sign a form or sometimes asking for the child to sign (bizarrely some schools asked for three parent signatures – it is not clear why). Some schools asked for parents' birth certificates, for applicants' countries of origin, whether they were UK nationals, whether they spoke English as an additional language, and if they had any medical issues.⁸ For sixth forms, there were questions about why children wanted to apply to the school, for a personal statement, predicted grades and chosen subjects. One school was found to be directly discriminating on the basis of race in asking for a religious marriage certificate, which is more easily available to those who are deemed to be halachically Jewish, something that is easier for those who are also ethnically Jewish (hence giving rise to racial discrimination). Finally, many schools required all applicants to complete supplementary forms regardless of whether any of the information was needed for those applying under the lowest admissions criterion, when such forms can only be compulsory when asking for information that is needed.

- About 85% of schools were found not to have properly published their admission arrangements at the time of objection. Many schools were publishing their 2015 arrangements some months after they were legally required to do so, and in a quarter of cases schools were found not to have determined their admission arrangements in

7. Three of the 70 schools had been subject to referrals not submitted by FAC in the preceding year – we analysed these three determinations as well (and submitted a new objection with respect to one of them).

8. Some of these being things schools would need to know about pupils who attend the school, but not things the schools concerned needed to know in order to administer their admissions process. The information concerned should not be asked for until after places have been allocated. In the meantime it could lead to discrimination.

the first place. Other schools were taking down their 2014 arrangements upon putting up their 2015 arrangements (when they should have left both up until the end of 2014). And others still were not publishing any supplementary information forms parents might be required to complete. One school had an admissions policy on its website that was at least six years out of date.

'Over a quarter of schools were found to be religiously selecting in ways not allowed in guidance from their religious authorities.'

- A majority of schools were found not to be dealing properly with looked-after and previously looked-after children (LAC and PLAC) – in some cases as a result of not defining what these terms mean in an inclusive way, in most cases not properly giving priority to LAC and PLAC who were not of the faith of the school, and in a few

rare cases not prioritising LAC and PLAC at all.

- Over a third of schools were found to be placing conditions on the consideration of applications other than those in the oversubscription criteria – either by asking for information that was not later considered, or by asking parents and children to support the ethos of the school.

- Over half of schools were found not to have an effective tie-breaker to separate two otherwise identical applicants, while a few did have random allocation but failed to deal with it properly.

- Almost 40% of schools were found not to have published their admission numbers, as schools are required to do for each age group at which pupils can enter a school during a normal admission round. This was particularly an issue with sixth-forms.

- About 40% of schools were found to have unnamed feeder schools, and in most cases it was further found that if all the schools concerned had been named then this would have been viewed as 'unreasonable' in the eyes of the Code. This typically meant taking pupils from 'all Catholic schools' or 'all CofE schools'. Some schools were found to be prioritising pupils attending private fee-paying schools.

- A quarter of schools were found not to allow all applicants to be admitted even when undersubscribed. In some cases this reflected there being no sixth form admission arrangements at all.

- Over a quarter of schools were found to be religiously selecting in ways not allowed in guidance from their religious authorities. In three cases this was due to lack of any guidance at all, including in the case of one Church of England diocese (suggesting all 66 schools in that diocese were breaking this part of the Code), while in another case the school argued that the guidance had been passed down as an oral tradition.

- Over a quarter of schools were found to be interviewing, all with respect to sixth forms, in spite of the ban on interviews having a high profile when it was introduced.
- A quarter of schools were found not to make clear how children with statements of special educational needs were admitted.
- A quarter of schools were found in breach of the Code because they took account of past behaviour, attendance, attitude or achievement, again all with respect to sixth forms.
- Almost a fifth of schools were found to be **requiring practical or financial support to associated organisations** – through voluntary activities such as flower arranging in churches or, in the case of two Jewish schools, in requiring membership of synagogues (which costs money).
- 15% of schools were found to be **considering parents’ occupational or marital status**, with occupational issues focussing on giving priority to those who were teachers in ways not permitted by the Code.
- Almost 20% of schools were **not allowing children to apply for the sixth form without parental involvement**. Others were found not to have **consistent entry requirements**, or the same requirements for internal and external applicants.
- A number of schools were found not to have properly followed the **general admissions process**.
- Almost 15% of schools were found, with respect to their sixth forms, to have introduced new selection by academic ability, which is unlawful.
- A number of schools were found not to have well-ordered oversubscription criteria.
- A number were found to measure distance in an unclear way, or have unclear catchment areas.
- Over a fifth were found not to have consulted properly on their admission arrangements.
- A number of schools were found to have broken the Equality Act 2010 in directly discriminating on the basis of race or gender. Two schools were found to discriminate on the basis of race in prioritising those who are considered by modern Orthodox Jewish authorities to be ‘halachically Jewish’ – something that it is much more easy to be for those who are ethnically, as well as religiously, Jewish. Arguably three were found to be discriminating on the basis of gender (although this was not explicitly stated in every case). This reflected the fact that two of them directly discriminate on the basis of gender in their internal organisation, which raises wider issues. One was also found to be indirectly discriminating on the basis of social background, as its religious oversubscription criteria required eleven years of religious practice and this was considered to be overly burdensome for more deprived families. And while this was not explored in the OSA cases, in our view four schools also might have been directly discriminating on

the basis of sexual orientation, in assuming on forms that parents were of opposite genders.

Half of the issues identified were directly related to the religious criteria of the schools. Others were indirectly related in that the schools concerned were only their own admission authorities because of their religious status, without which they would follow (or until recently have followed in the case of Academies) the local authority's standard admissions policy. Broadly speaking these are more likely to be Code-compliant. Even issues not directly related to religious selection, therefore, are generally a consequence of that selection.

The widespread Code breaches that were found support FAC's original conclusion that there was near-universal non-compliance with the Code amongst the schools in the sample local authorities. In turn this strongly suggests that **there is near-universal non-compliance amongst all religiously selective secondary schools.**

Not all our objections were upheld. In some cases this was due to misinterpretation on our part, or matters becoming clearer over the course of the case. But about two-thirds of the time it was due to disagreements between us and the adjudicator over the meaning of the Code – in most of these cases different adjudicators also disagreed with each other about identical objections to different schools. In four cases we believe the adjudicator made particularly significant mistakes, and we explore these in more detail from page 46.

However, from the Code breaches that were upheld by the OSA, we can approximate that there were a total of 1,566 Code breaches amongst the 70 schools in the local authorities we surveyed (including the small number of schools where the objection did not come from us) and 243 amongst the seven other schools. From this we can estimate that **across the 535 religiously selective secondary schools in England there are about 12,055 breaches of the School Admissions Code, or 23 breaches per school.**

Similar academic research

There is relatively little research in the academic literature on this issue. In 2008 the Department of Children, Schools and Families (DCSF, now the Department for Education, or DfE) investigated the admission arrangements of all 570 schools in three local authorities, namely Barnet, Manchester and Northampton (meaning that Barnet schools were investigated both then and now). At that time the local authority was the admission authority for most of the schools, and it was found that 'the large majority of schools appear to be complying with the code, including an overwhelming majority of academies and schools where local authorities are the admission authority. However, a significant minority of schools in our sample appear not to be compliant with the code, of which a disproportionate number are voluntary aided or foundation schools.' Voluntary aided schools are virtually all religious, as are many foundation schools.

96 schools were found to be non-compliant, of which 87 were religiously designated, all of which were their own admissions authority. There were 137

such schools in the three local authorities at the time, meaning that 64% of religiously designated schools that were their own admissions authority were found to be non-compliant with the Code.

Breaches included failing to prioritise children in care correctly (58 schools), failing to comply with special educational needs legislation (13), requesting personal information (e.g. marital status of parents) (21), requesting financial contributions (6), requiring practical support for the ethos of the school (10), requesting other inappropriate information on the supplementary information form (18), requiring completion of a supplementary information form (even for those applying under the lowest oversubscription criterion) (7), prioritising siblings who formerly attended the school or children of employees (15), only admitting children whose families shared the faith of the school (even if undersubscribed) (12), interviewing children or parents (1 school), taking behaviour into account (5), governors exercising discretion over admissions (5), incorrectly maintaining waiting lists (2), attempting to balance intakes by gender (2), publishing the wrong admission number (2), not defining distance from the school clearly (1) or failing to publish admission arrangements at all (1).^{ix} Whether or not even more Code breaches would have been found had the schools been investigated by the OSA as well as or instead of DCSF is an open question.

Prior to the 2007 School Admissions Code, academics Rebecca Allen and Anne West examined five Church of England and five Roman Catholic secondary schools in London. They found that the schools ‘educate, in the main, pupils who are from more affluent backgrounds and with higher levels of prior attainment than pupils in non-religious schools. Moreover, the evidence suggests that some “élite” secondary schools are “selecting in” and “selecting out” particular pupils. A range of different admissions criteria and practices are identified which appear to foster school selectivity.’

However they also wrote that ‘In policy terms, given the concerns about schools’ selective admissions practices, the 1998 School Standards and Framework Act and accompanying codes and regulations, and the 2006 Education and Inspections Act have sought to tackle these through measures such as placing a ban on interviewing parents and pupils and strengthening the status of the School Admissions Code... it is likely that fewer potentially selective criteria will be used as a result of this new regulatory framework, given that some such changes were observed in London schools following the second School Admissions Code of Practice.’^x

Summary of recommendations

It is clear now that amongst religiously selective secondary schools there are widespread issues of non-compliance with the School Admissions Code, sometimes intentional, other times inadvertent.

In light of these findings, the report makes the following recommendations:

1. An end to religious selection by state schools

First and foremost, we think that religious selection amongst state-funded schools should be phased out. The most obvious and straightforward step that can be taken towards ending complexity in admissions, ending socio-economic and ethno-religious discrimination and making the system as fair and straightforward as possible for parents and children is to open up all state schools to all young people, without regard to their or their parents' religious or non-religious views. There are a range of other reasons why we think this is desirable, all of which are set out on the Fair Admissions Campaign's website.^{xi}

If the Government is not willing to take steps to phase out religious selection, or even if it is so willing, we have also made a number of other recommendations that we hope can help improve things in other ways. These follow.

2. Guidance for schools on complying with the Code

Many of the areas of noncompliance identified in the report are common, and it would therefore be useful if the DfE were to issue schools with guidance. The only previous guidance issued is only directed at Free Schools and does not cover many of the issues identified in this report.^{xii} In what follows we identify a long list of areas of the Code where such guidance would be beneficial.

3. Revision of the Code to clarify areas of confusion

In addition to recommending areas in which guidance would be helpful, there are a number of areas where the Code would clearly benefit from revision, including around when admission arrangements must be published; frequency and duration of religious worship; only taking into account one and not two parents/carers; excessive information on supplementary information forms; priority for looked-after and previously looked-after children; the use of the terms 'expect' and 'ask'; final tie-breakers invariably meaning random allocation or taking above the published admission number (PAN); how PANs work with respect to sixth forms; taking into account previous education received; that the lowest oversubscription criterion must be a 'catch-all' that allows for the admittance of all applicants; stating how pupils with statements of special educational needs are prioritised; schools not being able to take into account children giving financial or practical support to it or an associated organisation (as is already the case with parents); and the need to publish catchment areas on a map.

4. Establishment of an independent monitoring body to enforce compliance with the Code

As it stands, it is largely incumbent on members of the public to point out possible breaches in schools' admission arrangements. The findings in the report make clear that this system is not fit for purpose. A pro-active and independent monitoring service is required to ensure compliance with the Code and alert schools to potential areas of non-compliance. Where a matter cannot be resolved informally, cases can be referred to the OSA.

'Schools have perverse incentives to manipulate their intakes and so improve their apparent performance when compared to other local schools.'

Similarly, no-one is ensuring that religious authorities are publishing guidance – as they must if local schools are to be permitted to

religiously select. In four cases, including one Church of England Diocese, it was found that no written guidance for schools had been provided. In several other cases, especially amongst Jewish schools, the guidance goes beyond what the Code allows. It would be a simple exercise to request to see the guidance of all religious authorities, ensure that it exists and ensure that it does not permit admission arrangements that breach the Code.

5. A standard template for admissions policies

Admissions policies are becoming less uniform over time. In 2000 just 30% of all secondary schools were their own admission authority, with the remaining 70% accounted for by the local authority. Now over 80% of secondary schools are their own admission authority. The divergence this creates not only means that breaches or abuses of the Code are harder to monitor, but it also produces an incredibly complex system for parents to negotiate.

Requiring schools to follow a standard template which allows for a variety of Code-permitted criteria would eradicate many of the less 'malicious' Code breaches, make the more malicious ones easier to identify and creating a system easier for parents to understand.

6. Admissions policies of all schools to be set by an external body

Beyond the creation of a standard template, it does not make sense for schools to be their own admission authorities. As this report demonstrates, many schools lack sufficient understanding of the Code and schools also have perverse incentives to manipulate their intakes, thereby improving their performance when compared to other local schools. Making some other local body responsible for this, which is free from such incentives, seems obvious.

Methodology

In June 2014 we surveyed the admissions policies of the 70 religiously selective state secondary schools located in local authorities where the local authority's name starts with the letter 'B' (which we shall refer to as the 'survey' schools).⁹ There are 535 religiously selective secondary schools in England in total^{xiii} so this survey included 13% of the total, or over one-eighth of such schools. It covered 19 of the 151 local authorities with state-funded secondary schools, or 12.5% of the total.¹⁰ Some of these, such as Birmingham, Bradford, Buckinghamshire and Bristol are quite large, while others such as Blackburn, Blackpool and Bracknell are amongst the smallest. Some such as Buckinghamshire are fairly rural while most are urban or suburban. Barnet schools were covered in DCSF's 2008 exercise as well as in ours. A decent mix of religious denominations and types of establishment is also included.

9. Including any middle schools, but excluding two schools in Bradford that were in the process of amalgamating (where we could not object due to the existing schools closing and the new school not yet being open). Why 'B'? We sorted boroughs alphabetically and simply started at the top; no borough starts with A.

10. The relevant local authorities are Barking and Dagenham, Barnet, Barnsley, Bath and North East Somerset, Bedford, Bexley, Birmingham, Blackburn with Darwen, Blackpool, Bolton, Bournemouth, Bracknell Forest, Bradford, Brent, Brighton and Hove, the City of Bristol, Bromley, Buckinghamshire and Bury.

11. As of writing, an appeal to the Court of Appeal is pending permission to proceed.

12. Namely, Yesodey Hatorah Senior Girls school in Hackney, Cardinal Vaughan Memorial School in Kensington and Chelsea, and King David High School in Manchester.

13. The one school that was considered not to break the Code was Ranelagh School in Bracknell Forest, although given how frequently the adjudicator identified further Code breaches in the subsequent OSA cases we would guess that even this school breaks the Code in some ways as well.

We also decided to look at seven other schools, namely three of the four religiously selective schools in Hammersmith and Fulham, because our previous work suggested that this is the most troublesome local authority^{xiv} (excluding the London Oratory School, which was already subject to an ongoing objection by the British Humanist Association^{11,xv}); the three other religiously selective schools that our previous work had identified as the most highly socio-economically selective that weren't already covered by our complaints or other recent complaints;¹² and one other school someone had recently brought to our attention.

Our survey focused on schools' intakes between reception and year ten. We did not look at sixth form admissions policies. However, inevitably adjudicators did, and this is one of the main areas where further Admissions Code breaches were identified by the OSA.

Our preliminary conclusion was that 69 of the 70 schools broke the Admissions Code in one way or another.¹³ We therefore decided to object to these schools, along with the other seven (making a total of 76). One of the objections was submitted in April. The remaining objections were submitted on 30 June, the last day on which objections could be submitted, but we had warned the OSA and DfE several months in advance so that they could plan their workloads and staffing accordingly.

The formal procedure that the OSA goes through when it receives an objection is burdensome, and as a result when we submitted the objections we asked the OSA if it would be possible for it to resolve some of the cases in an informal way. However the OSA told us that in its view the statute does not allow this and so we agreed to withdraw 28 of the objections – 26 in our 'B' local authorities and two in Hammersmith and Fulham – prior to the OSA logging them. Those that were withdrawn had relatively minor issues or had neighbouring schools with identical admissions policies (for example the many Catholic schools in Birmingham), as well as one school that had just had a determination against it. We reasoned that OSA decisions in the remaining cases would make it possible to deduce, at least in broad terms, what the OSA would think about the withdrawn schools as well. This left 48 cases.

Of the 48, FAC asked to ‘actively participate’ in 14 of the more complex cases, which means that FAC was copied into correspondence and invited to attend meetings organised by the adjudicator, which in a number of cases it did. With the rest, FAC asked only to be notified of the outcome of the complaint.

OSA cases end with the adjudicator assigned to the case issuing a determination, outlining whether and where she or he has found there to be a breach of the Code. These determinations consider the objections in turn, upholding, partially upholding or not upholding them, and then consider additional matters identified by the adjudicator themselves, before returning an overall verdict of ‘upheld’, ‘partially upheld’ or ‘not upheld’.

After determinations were issued in each case, we recorded how many times each paragraph of the Code had been breached. To be clear about how we did this:

- One paragraph of the Code (2.4) tells schools that they ‘must only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria or for the purpose of selection by aptitude or ability’. We recorded each individual piece of superfluous information requested as a separate Code breach. The paragraph then goes on to specify a number of pieces of information that explicitly cannot be requested. Where such a piece of information was requested we record this under the relevant subparagraph instead of under the main paragraph.

- Two or (for religious matters) three paragraphs of the Code (14, 1.8 and 1.37) require fairness, clarity and objectivity. We recorded which of these three requirements was broken for each issue identified; but where one issue was found to break several of these three requirements, we recorded this only as a breach of the most relevant one.

- One issue we quickly identified is that OSA decisions do not always spell out everywhere an adjudicator has considered a policy to break the Code. This might be because one issue leads to several Code breaches, and the adjudicator decides to identify only one of them (for example, with respect to the two or three paragraphs of the Code requiring clarity); or, in some cases, an adjudicator would describe something as incompliant with the Code without referring to any particular paragraph of the Code at all – particularly when something was found to be ‘insufficiently clear’. Where this is the case, we recorded all relevant paragraphs of the Code as having been broken.¹⁴

- Where a single Code breach affected several entry points to the school (for example, both year seven and sixth form), this was only counted once. However, where different points of entry had similar but different issues (for example, each not publishing an admission number) this was counted each time.

- We also counted where breaches of the Equality Act were found, or where the adjudicator stated that the underlying statute, regulations, or Admission Appeals Code had been broken.

14. Having discussed this with the Department for Education, we find that adjudicators’ approach of not recording every single Code breach is deliberate. Instead adjudicators seek to record as many Code breaches as are necessary to see the school amend its admissions policy to be Code-compliant. However, if we were to have taken the same approach in what we recorded, then this would reduce comparability between different determinations and would not have enabled us to establish the full extent to which the Code is not being complied with.

15. Bristol Cathedral Choir School, Canon Slade CofE School in Bolton, and St James's Church High School in Bolton

16. Bristol Cathedral Choir School

17. This is Al-Hijrah School in Birmingham, where in February 2015 the OSA determined that the school had not determined its admissions policy and so the OSA had no jurisdiction to consider its policy. A number of schools were found not to have determined their admission arrangements correctly, which typically leads to cases coming to an end and then fairly new cases opened under the adjudicator's discretionary powers, after the school determines its policy. But as of publication the Al-Hijrah School is still yet to restart.

18. Simply adding on the number of Code breaches we initially recorded amongst these schools would have factored in neither the extra issues that the adjudicators themselves picked up amongst the other schools (particularly with respect to sixth forms); nor any areas where the adjudicators might not have upheld our objections where we got it wrong or disagreed with their verdict; nor refinements of our recording methods between the time we submitted the objections and after we received the determinations.

In some places the OSA did not uphold our objections. This might have been because we made a mistake, or because its enquiries brought information to light that was not apparent to us at the time of the objection. In other cases it is because the adjudicator disagreed with our interpretation of the Code. Occasionally the adjudicator simply made a mistake, but in most of these cases we found different adjudicators disagreeing with each other about whether or not our objections were justified – recording opposite verdicts to identical objections in different schools. We recorded these outcomes separately and discuss them too.

Three schools in our survey group were the subject of determinations in the year preceding our objections.¹⁵ For one of these, we submitted a fresh objection;¹⁶ the other two were among the 26 for which we did not lodge objections. However, we analysed these three earlier decisions as well in order to create as complete as possible a picture of the extent to which our survey schools had been breaking the Admissions Code. With that said, given the low number of decisions involved, this only had only a small impact on the overall findings.

As of writing, only one case is yet to conclude.¹⁷ For this school and the 28 schools where we did not raise objections, given the pattern of returns we got from the schools we did object to, we believe that almost all of our objections would have been upheld and more would have been found by the adjudicators. In order to extrapolate a total figure for breaches of the School Admissions Code amongst these schools, we therefore raised the number of Code breaches we believed existed in proportion to the increase in the total of breaches found in the schools we did object to.¹⁸ Having done this, we were then able to add these schools to those outside of our surveyed local authorities and that we did object to, and from there come to a figure for the religiously selective secondary school sector as a whole.

Findings – Code breaches found

This section is based on the 42 survey schools and five other schools where OSA decisions have been returned, as well as the three decisions on survey schools that the OSA issued in the prior year (for 44 survey and five non-survey schools in total, with one survey school subject to two decisions – one submitted by us and one prior decision). After analysing these schools we will then turn to the schools that the OSA did not consider, as well as the one school where a decision is yet to be returned.

The data underlying our findings, including aggregated totals, can be found in a spreadsheet available on the Fair Admissions Campaign website.^{xvi}

We believe 1,163 Code breaches were found by the OSA amongst the survey schools objected to (27 per school), or 1,385 including the other schools we objected to (44 per school). Excluding instances where schools were found to break the same area of the Code several times, 617 unique combinations of school and Code breach were recorded amongst the survey schools (14 per school), or 730 including the other schools (15 per school). In total some 83 paragraphs of the Code and legislation were found to be broken by the survey schools, or 90 when including the other schools. Very roughly, about two-thirds of the breaches were raised by FAC in its objections and the rest were identified by adjudicators.

Half the issues identified were related to the religious criteria of the schools. Others were not directly related, but nonetheless if it were not for the existence of religious selection then the schools concerned would likely have not been their own admission authorities (at least not before Academisation) and so would likely follow (or until recently have followed) the local authority's standard admissions policy. Broadly speaking these are more likely to be Code-compliant. So even issues not directly related to religious selection are generally a consequence of that selection.

In the following tables there are 49 schools in total (44 survey schools and five other schools).

Examining the Code breaches in order of the most to least common (and dealing with the Equality Act 2010 last):

Clarity, fairness and objectivity

Paragraph 14 of the Code states that '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.' Similarly, **paragraph 1.8** states that 'Oversubscription criteria must be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including

equalities legislation.’ **Paragraph 1.37** states that ‘Admission authorities must ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied’ – which we took to be a requirement of clarity and objectivity but not of fairness.

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
14 clear	163	42	32	5	195	47
1.8 clear	163	42	32	5	195	47
1.37	112	37	19	4	131	41
14 fair	25	11	4	3	29	14
1.8 fair	25	11	4	3	29	14
14 objective	23	12	2	2	25	14
1.8 objective	23	12	2	2	25	14

The above table shows how many Code breaches we recorded of these paragraphs, amongst both survey and other schools.¹⁹ As can be seen almost all schools had problems here – some extensively so. 60% of these issues were connected to schools’ religious oversubscription criteria.

Schools were frequently unclear about what religious observance was required for pupils to gain admission – for example, saying that parents need ‘regular worship’, but not defining what ‘regular’ means; or giving priority to ‘practising’ members of the faith but not defining ‘practising’, in particular in terms of frequency or duration of worship; or asking for different information on the supplementary information form than the policy seemed to suggest was required; or being unclear about how applicants were ranked based on varying levels of observance. There were further issues when it came to religious selection of those of faiths other than that of the school, and also general issues of ambiguous or unclear language. In a minority of cases this included the supplementary information form assuming parents were of opposite genders, debatably leading to direct discrimination on the basis of sexual orientation under the Equality Act 2010 (although this point was not explored in any of the determinations). We return to this on page 41.

19. To reiterate:

We recorded which of fairness, clarity and objectivity was broken for each issue identified; but where one issue was found to break several of these three requirements, we recorded this as a breach of the most relevant one.

Where a school was found to break paragraph 14’s requirement for clarity (for example), we also recorded this as a breach of paragraph 1.8’s requirement for clarity (hence the identical numbers in each column) and (if the issue pertained to religious selection) paragraph 1.37.

With respect to fairness, issues often involved schools requiring both parents to attend worship, or allowing them to alternate in their attendance. This meant that a greater burden of attendance was placed on children with only one religiously observant parent. When schools gave priority on the basis of practical support for an associated religious organisation (an issue we shall come on to), this was also generally found to be unfair, as not everyone would have the means to provide such support.

Issues of objectivity typically involved a school asking a religious leader to sign a form confirming that the parent and/or child was religiously observant, but not specifying, or not objectively specifying, what was required to be so considered. This meant that different religious leaders might judge identically observant applicants differently. There were also further problems where parts

of forms invited priests to consider participation in wider voluntary activities, something that again would often be found to be giving priority on the basis of practical support.

Asking for too much information on supplementary information forms (SIFs)

Paragraph 2.4 of the Code states ‘In some cases, admission authorities will need to ask for supplementary information forms in order to process applications. If they do so, they must only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria or for the purpose of selection by aptitude or ability.’ Paragraphs 2.4a)-e) go on to specify specific prohibited information. **2.4a)** prohibits asking for ‘any personal details about parents and families, such as maiden names, criminal convictions, marital, or financial status (including marriage certificates)’; **2.4b)** ‘the first language of parents or the child’; **2.4c)** ‘details about parents’ or a child’s disabilities, special educational needs or medical conditions’; and **2.4e)** ‘both parents to sign the form, or for the child to complete the form.’

Religiously selective schools typically use SIFs to ask for information relating to baptism or the duration and frequency of religious observance, including signed confirmation from a priest that the information recorded is accurate. Other schools also use SIFs for selection based on aptitude and ability or banding. SIFs do not need to ask for information on the common application form (CAF) that each applicant submits to the local authority as part of the coordinated admission scheme.

Religiously selective schools must admit applicants without consideration of faith, if they are not oversubscribed with faith-based applicants. As a consequence, a school cannot make a SIF compulsory if it is using it solely to collect information relevant to religious oversubscription criteria, because some applicants (those applying under the lowest oversubscription criterion, for instance) will not need to provide any of the information asked for.

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
2.4 un-needed information	132	33	23	5	155	38
2.4 compulsory SIF	15	14	3	3	18	17
2.4e)	10	9	2	2	12	11
2.4a)	9	8	3	2	12	10
2.4c)	11	10	0	0	11	10
2.4b)	1	1	0	0	1	1

Almost 90% of schools were found to be asking for information that they did not need.²⁰ The most frequent piece of information asked for was the gender of the child, which in most cases was fairly innocuous but in some cases enabled direct discrimination on the basis of gender under the Equality Act 2010 (an issue we shall come back to on page 38). Other issues included asking for details of both parents/carers, including addresses, contact details and details of religious observance. Six schools did so while assuming parents were of opposite genders (an issue we shall similarly return to on page 41). Sometimes SIFs would ask for details about frequency or duration of religious observance in a different or more detailed way than required for the oversubscription criteria. Some schools asked parents to declare their support for the ethos of the school when this had no bearing on oversubscription. Some asked both parents to sign, or the child to sign (a few schools confusingly asked for three parent signatures – it is unclear what they intended by doing so). Some asked for parents’ birth certificates, potentially revealing maiden names. Some asked for applicants’ countries of origin, whether they were UK nationals, and whether they spoke English as an additional language. Some asked for medical details of pupils. (Some of these are things schools would need to know about pupils who attend the school, but not things the schools concerned needed to know in order to administer their admissions process. The information concerned should not be asked for until after places have been allocated. In the meantime it could lead to discrimination.)

With respect to sixth forms, there were also questions for children about why they wanted to apply to the school and requests for personal statements, for predicted grades and for information on which subjects they wished to study.

One school, Hasmonean High School in Brent, asked for gender, parents’ marriage certificates, observance of dietary laws, and for the Rabbi, ‘How long have you known this family?’ and ‘In what capacity do you know this family?’, as well as whether the Rabbi ‘feels the family have a genuine desire for Orthodox schooling’ or ‘feels that this family will be suitable for Hasmonean and will support the ethos of the school’. It also asked for the gender of the pupil, for both parents to sign the form and for details of all siblings at the school. None of this was required for application. The school was also found to be directly discriminating on the basis of race under the Equality Act 2010, as it was the *ketubah* (religious marriage certificate) that was asked for and only those who meet the school’s definition of being *halachically* (i.e. ethnically) Jewish are able to obtain a *ketubah* without first having to go through the burdensome process of converting to Orthodox Judaism. This sort of requirement was found unlawful in the JFS Supreme Court case of 2009.^{xvii} We also believe that the implication of the OSA’s decision is that the school was also directly discriminating on the basis of gender as the information on gender was used in order to measure distance from the school differently for boys and girls (due to the school having two single-sex sites – something that might in itself break the Equality Act). We will return to these issues on page 38.

20. To reiterate: We recorded each individual piece of superfluous information requested as a separate Code breach. Where a piece of information was requested which broke a subparagraph, we record this as a breach of the relevant subparagraph instead of the main paragraph.

Another common problem was schools requiring all applicants to complete the SIF, regardless of whether the applicant was applying for a place under a religious oversubscription criterion, or simply applying under the lowest (catch-all) admission criterion. Usually those who are not applying under a religious criterion do not need to complete the SIF.

Determination and publication of admission arrangements

Paragraph 1.46 of the Code states ‘All admission authorities must determine admission arrangements by 15 April every year’.²¹ **Paragraph 1.47** adds ‘Once admission authorities have determined their admission arrangements, they... must publish a copy of the determined arrangements on their website displaying them for the whole offer year (the academic year in which offers for places are made).’ And **paragraph 2.14** states ‘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.’

To give an example of what this means in practice, for September 2014 admission, admission authorities had to determine their arrangements by 15 April 2013, put them on their websites by that date, and keep them there until 31 December 2014. This means that in June 2014 schools had to have both their 2014 and 2015 admission arrangements on their website. The reason for this timetable is that it means that arrangements are online in time for any objections to be made (and possibly considered) before the application window opens, and remain online until the waiting list closes one term after admission. Admission arrangements are considered to include any supplementary information forms.

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
1.47	54	39	3	3	57	42
2.14	23	18	5	3	28	21
1.46	20	15	1	1	21	16

About 85% of schools were found not to have their admission arrangements on their websites. In slightly over half of the cases this was because they had taken down their 2014 arrangements when they had put their 2015 arrangements online, or never had their arrangements online at all, or posted their oversubscription criteria online but not their SIFs. In the other cases it was because the school had not posted their 2015 arrangements online by the date of our objection, namely 30 June, eleven weeks after the deadline. In a few cases schools were found not to have either their 2014 or 2015 arrangements on their websites.

Over a third of schools were found not to have determined their arrangements at all.

One case worth mentioning is Rivington and Blackrod High School in Bolton, a school that is not its own admission authority (as it is voluntary controlled), but where the local authority had delegated determination of admission arrangements to the school. However the school declined to comment on the

21. Note that the December 2014 Admissions Code changed the 15 April date to 28 February from 2016 onwards.

objection, passing the buck back to the LA. The policy on the school’s website was found in one place to be at least *six years* out of date, but no breach of paragraph 1.47 of the Code was recorded as the policy the local authority held on its own site was up to date. (Instead the discrepancy was found to break clarity requirements.)

Looked-after and previously looked-after children (LAC and PLAC)

Paragraph 1.7 of the Code states that ‘highest priority must be given, unless otherwise provided in this Code, to looked-after children and previously looked-after children.’ A ‘looked-after child’ is defined by the Code as ‘a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions at the time of making an application to a school’. ‘Previously looked-after children’ are defined as ‘children who were looked-after, but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order).’

Paragraph 2.6 reiterates, ‘As with other points of entry to schools, highest priority in oversubscription criteria for sixth form places must be given to looked-after children and previously looked-after children who meet the academic entry criteria.’ **Paragraph 1.37** adds ‘Admission authorities for faith schools may give priority to all looked-after children 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 children and previously looked-after children not of the faith above other children not of the faith.’

In other words, religiously selective schools can first prioritise all LAC and PLAC and then proceed how they wish. Or they can first prioritise LAC and PLAC of the faith,²² then other children of the faith, then all other LAC and PLAC children, then other children not of the faith (either because they are of no faith or because they are of other religions or denominations).

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
1.7 (P)LAC	28	22	4	4	32	26
1.37 (P)LAC	17	14	1	1	18	15
2.6 (P)LAC	1	1	0	0	1	1

22. Which in this context might mean the same denomination, if the school is denominational and has chosen in its admission arrangements to prioritise that denomination first over others of the same faith.

Looked-after and previously looked-after children are afforded special priority because the evidence shows that the difficulties caused by being (or having been) looked-after often causes disruption to a child’s education and therefore their future prospects. Ensuring such children get the highest priority at the most oversubscribed schools helps overcome these problems.

A majority of schools was found to have issues in terms of LAC and PLAC. In most cases this was due to incorrectly handling priority for LAC and PLAC not of the faith, for example because those of other denominations of the same religion were given priority first, or because priority for LAC and PLAC was subdivided into a large number of different oversubscription criteria, when it can at most be subdivided into two (those of the faith and those not of the faith).

In most other cases schools were found not to have properly defined LAC and PLAC, not correctly including all children required by the Code to have priority. In some cases PLAC were given lower priority to LAC. In some cases PLAC were not given priority at all and in a few rare cases both LAC and PLAC were not given priority at all.

Placing conditions on admission other than in the oversubscription criteria

Paragraph 1.9a) states that schools must not ‘place any conditions on the consideration of any application other than those in the oversubscription criteria published in their admission arrangements’.

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
1.9a)	24	14	6	3	30	17

Over a third of schools did this. In some cases this meant asking for information on the SIF that was not needed under the oversubscription criteria but was actually considered by the school. In other cases schools asked parents to declare on the SIF their support for the ethos of the school when this was not part of the oversubscription criteria.

In some cases it involved schools having statements near to the oversubscription criteria along the lines of ‘there is an expectation that all students admitted will uphold the Christian ethos of the school’, or a similar ‘ask’ – this was sometimes found to be non-compliant on the basis that ‘expect’ and ‘ask’ are often understood to mean ‘require’ (they are synonyms), and so there was a lack of clarity. However adjudicators usually found such a statement to be Code-compliant. We shall return to this inconsistency on page 43.

Effective tie-breakers and random allocation

Paragraph 1.8 requires that ‘Admission arrangements must include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated.’ Paragraph 1.34 says that ‘Admission authorities that decide to use random allocation when schools are oversubscribed must set out clearly how this will operate, ensuring that arrangements are transparent, and that looked-after children and previously looked-after children are prioritised.’ Paragraph 1.35 states ‘The random allocation process must be supervised by someone independent of the school, and a fresh round of random allocation must be used each time a child is to be offered a place from a waiting list.’

In practice, to provide a final tie-breaker, all schools must either use random allocation or admit all identically ranked applicants even if it means going above their published admission number (PAN). Most schools use distance as their *primary* form of separating ties (either within or after accounting for any faith-based criteria). But distance cannot deal with the case where two applicants live the same distance from the school, either by unlikely coincidence or because they are not related yet living at the same address or in the same block of flats. Paragraphs 1.34-35 apply both to schools using random allocation as a primary tie-breaker and to those that use it as a tie-breaker of last resort.

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
1.8 tie-breaker	28	24	1	1	29	25
1.34	2	2	1	1	3	3
1.35	2	2	0	0	2	2

Over half of schools did not have any effective tie-breaker. Sometimes this was as schools had adopted the approach of their local authorities and local authorities themselves did not have an effective tie-breaker for the schools where they were the admission authority. In a few cases schools did have random allocation in their arrangements but did not properly set out how it was to be used, or implemented it correctly.

Publishing admission numbers (PANs)

Paragraph 1.2 states ‘all admission authorities must set an admission number for each “relevant age group”... This is the age group at which pupils are or will normally be admitted to the school e.g. reception or year 7.’ In practice this also means setting a PAN giving the minimum number of external applicants (i.e. applicants not already attending the school) that will be admitted to the sixth form each year.

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
1.2	20	17	2	2	22	19

Almost 40% of schools were found not to have set a PAN. This was typically due to not setting an external PAN for their sixth forms, but also included some cases where schools had not stated a PAN at all, or where several different PANs were stated for the same point of entry.

Naming feeder schools

Paragraph 1.9b) states that admission authorities must not ‘take into account any previous schools attended, unless it is a named feeder school’. **Paragraph 1.9l)** adds that they must not ‘name fee-paying independent schools as feeder schools’. **Paragraph 1.15** states that ‘The selection of a feeder school or schools as an oversubscription criterion must be transparent and made on reasonable grounds.’ This is generally understood to mean that it is unacceptable to name all schools of a certain religion as feeder schools, or to name so many feeder schools that their combined admission numbers are greater than those of the school itself.

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
1.9b)	16	14	5	4	21	18
1.15	9	9	2	2	11	11
1.9l)	1	1	1	1	2	2

Almost 40% of schools were found to have unnamed feeder schools, with most of those found to be being unreasonable in doing so. This would typically mean saying ‘all Catholic schools’ or ‘all CofE schools’ or ‘all Jewish schools’, sometimes limiting this to a certain geographical range (for example within certain parishes or dioceses). In two cases schools were found to have been giving priority to pupils at fee-paying private schools as a result of not having named feeder schools – Hasmonean High School admitted having actually done this in practice.

A few schools gave priority to those attending ‘all Catholic schools’ and then those attending ‘all other schools’. This disadvantaged local home-schooled children. In one case such references were to ‘maintained schools’, meaning those in academies and free schools were disadvantaged.

In three cases, having received a certain type of education (either Catholic or Jewish) led to priority, whether that education was in a school or not. In one case, namely Cardinal Vaughan Memorial School, it was determined that as such education could be in a school, this meant that unnamed previous schools attended were being taken into account; but in two other cases, namely JFS and JcoSS, the opposite conclusion was reached. We shall return to this later on, on page 46.

Admitting all applicants when undersubscribed

Paragraph 1.6 states ‘The admission authority for the school must set out in their arrangements the criteria against which places will be allocated at the school when there are more applications than places and the order in which the criteria will be applied... If the school is not oversubscribed, all applicants must be offered a place (with the exception of designated grammar schools...).’ **Paragraph 1.36** states ‘As with other maintained schools, these schools are required to offer every child who applies, whether of the faith, another faith or no faith, a place at the school if there are places available.’ **Paragraph 2.8** adds ‘With the exception of designated grammar schools, all maintained schools, including faith schools, that have enough places available must offer a place to every child who has applied for one, without condition or the use of any oversubscription criteria.’

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
1.6 ov.	14	9	5	3	19	12
2.8	12	8	5	3	17	11
1.36	9	7	5	3	14	10

A quarter of schools had issues here. Most breaches of these paragraphs had to do with schools not admitting all applicants even when undersubscribed. In one case the issue was lack of clarity about the order of oversubscription. In a couple of cases there was found to be no admission arrangements at all with respect to the sixth form (also leading to other Code breaches, such as not having a PAN).

Religious selection not permitted by the religious authority

Paragraph 1.9i) states that schools must not ‘prioritise children on the basis of their own or their parents’ past or current hobbies or activities’ – but an exception provides that ‘schools which have been designated as having a religious character may take account of religious activities, as laid out by the body or person representing the religion or religious denomination’. In other words, schools are only allowed to religiously select to the extent permitted by their religious authorities, as laid out in the religious authority’s written guidance. The religious authority for Church of England and Roman Catholic schools is their diocese; for Jewish schools it depends on the school, but is most commonly the Office of the Chief Rabbi of the United Hebrew Congregations; and for other faiths, it is a single specified body.²³

23. Schedules 3-4 of the School Admissions Regulations 2012 specify who this is.

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
1.9i)	9	9	7	4	16	13

24. ADA2573: Bristol Cathedral Choir School, OSA, 5 March 2014: <https://www.gov.uk/government/publications/bristol-cathedral-choir-school>

Over a quarter of schools were found to be breaking this paragraph. In five cases it was due to schools imposing criteria that the religious authority’s guidance did not permit. In three cases, namely Hasmorean High School and Yesodey Hatorah Senior Girls’ School in Hackney and Khalsa Secondary Academy in Buckinghamshire, the authority did not have any written guidance, meaning that all 18 schools under their respective religious authorities were technically in breach of the Code for religiously selecting *at all*. Yesodey Hatorah argued that such guidance had been passed down as an oral tradition.

This was also true for a fourth religious authority: the Church of England Diocese of Bristol did not have any written guidance. There are some 66 CofE schools in the Diocese; prior to November 2014, all of them were in breach of this aspect of the Code. In March 2014 the OSA issued a determination in a prior case involving Bristol Cathedral Choir School;²⁴ it is surprising that the OSA did not ask to see such guidance as a matter of course. It would be straightforward and worthwhile for the DfE to ask every religious authority if it could see its guidance in order to ensure that all authorities have guidance and that it only allows religious activities compliant with other aspects of the Admissions Code.

Interviewing

Paragraph 1.9m) states that schools must not ‘interview children or parents. In the case of sixth form applications, a meeting may be held to discuss options and academic entry requirements for particular courses, but this meeting cannot form part of the decision making process on whether to offer a place.’ **Paragraph 2.6** adds, ‘As stated in paragraph 1.9 m) above, any meetings held to discuss options and courses must not form part of the decision process on whether to offer a place.’

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
1.9m)	12	12	1	1	13	13
2.6 int apps	12	12	1	1	13	13

Over a quarter of schools were found to have interviews as part of their admissions criteria, all with respect to sixth forms, in spite of the extensive publicity the ban on interviewing attracted when it was introduced. In a few cases interviews were not actually being held, and the arrangements were out of step with the practice, but in most cases they were taking place.

Statements of special educational needs (SEN)

Paragraph 1.6 states 'All children whose statement of special educational needs (SEN) names the school must be admitted.' This happens separately to, and prior to, the application of oversubscription criteria.

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
1.6 SEN	11	11	1	1	12	12

A quarter of schools were found not to make clear how children with statements were admitted. Four other schools also did not do this, meaning that actually a third of schools had problems here, but the issue was not upheld by the adjudicator as this was another area where different adjudicators came to different decisions – with some deciding that such priority did not need to be stated, or in one case that it was instead a breach of clarity.

Past behaviour, attendance, attitude or achievement

Paragraph 1.9g) states that schools must not 'take account of reports from previous schools about children's past behaviour, attendance, attitude or achievement, or that of any other children in the family'.

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
1.9g)	10	10	2	2	12	12

A quarter of schools were found to be doing this, again all with respect to sixth forms. These Code breaches generally also led to breaches of asking for too much information on the SIF.

Requiring practical or financial support for an associated organisation

Paragraph 1.9e) states that schools must not 'give priority to children on the basis of any practical or financial support parents may give to the school or any associated organisation, including any religious authority'.

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
1.9e)	9	9	1	1	10	10

25. See e.g. 'High profile 'faith' schools change admissions policies to comply with the law', Fair Admissions Campaign, 11 February 2014: <http://fairadmissions.org.uk/high-profile-faith-schools-change-admissions-policies-to-comply-with-the-law/>

Almost a fifth of schools were found to be doing this, typically as a consequence of questions on SIFs that invited applicants or religious leaders to provide evidence of practical support and sometimes as part of oversubscription criteria. Rarely were individual activities laid out, although they were in the case of Bishop Justus CofE School in Bromley. The laying out of activities in support of churches such as 'flower arranging' used to be commonplace, but has largely been stamped out by OSA decisions in the last two years²⁵ – a search through admissions directories we carried out found just one other school still referring to 'flower arranging'.

Two Jewish schools – King David High School in Manchester and JcoSS in Barnet – gave priority to applicants who were members of synagogues. As membership of a synagogue typically comes with a requirement to pay a membership fee, this was found to be requiring financial support. In King David's case this was also found to be direct discrimination on the basis of race under the Equality Act 2010 as only Orthodox synagogues were considered and to be a member of such a synagogue requires being an Orthodox Jew – something that is burdensome for those who are not ethnically Jewish and so is reminiscent of the JFS decision from 2009 (we shall return to this later).

Occupational, marital, financial, or educational status of parents

Paragraph 1.9f) states that schools must not 'give priority to children according to the occupational, marital, financial or educational status of parents applying (though children of staff at the school may be prioritised in arrangements)'. **Paragraph 1.39** states that 'Admission authorities may give priority in their oversubscription criteria to children of staff in either or both of the following circumstances: a) where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made, and/or b) the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage.'

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
1.9f)	9	6	1	1	10	7
1.39	4	3	0	0	4	3

Those 15% of schools found in breach of this requirement often asked inappropriate questions on the SIF, such as enquiring about marital or co-habiting status. Three schools gave priority to teachers other than in the circumstances permitted, with two giving priority to teachers at other schools.

Applying for places at Sixth Form

Paragraph 2.6 states ‘Children and their parents applying for sixth form places may use the CAF [common application form], although if they are already on the roll they are not required to do so in order to transfer into year 12. Admission authorities can, however, set academic entry criteria for their sixth forms, which must be the same for both external and internal places.’

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
2.6 child applying	7	7	2	2	9	9
2.6 set entry requirements	5	4	3	3	8	7
2.6 internal applicants	2	2	2	1	4	3

Almost 20% of schools were found not to allow children to apply for the sixth form without parental involvement. Seven were found not to set consistent entry requirements (sometimes as a consequence of ranking children by ability, an issue we shall return to imminently), or not to set the same entry requirements for internal and external applicants. One was found to require internal applicants to apply through the CAF.

The general admissions process

Paragraph 15 provides an overview of the general admissions process, putting requirements on admission arrangements to ‘clearly set out how children will be admitted’, including the processes by which admission arrangements are consulted on and determined (15.b) and by which applications (15.d) and offers (15.e) are made.

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
15.d)	4	3	4	2	8	5
15	8	3	0	0	8	3
15.b)	1	1	0	0	1	1
15.e)	1	1	0	0	1	1

Unlawful selection by academic ability

Paragraph 1.9d) states that schools must not ‘introduce any new selection by ability’. **Paragraph 1.18** adds ‘Only designated Grammar schools are permitted to select their entire intake on the basis of high academic ability.’ For sixth forms, this does not disallow setting fixed, minimum academic entry criteria, but it does disallow setting variable criteria whereby (for example) those who get the very best GCSEs (as opposed to meeting a fixed minimum requirement) are admitted.

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
1.9d)	4	4	3	3	7	7
1.18	1	1	3	3	4	4

Seven schools (almost 15%) were found to be doing this with respect to their sixth forms.

Well-ordered oversubscription criteria for each age group

Paragraph 1.7 states that ‘All schools must have oversubscription criteria for each ‘relevant age group’... Oversubscription criteria must then be applied to all other applicants [other than statemented applicants] in the order set out in the arrangements.’

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
1.7 ov.	5	4	1	1	6	5

All Saints Catholic School in Barking and Dagenham was found not to have sixth form oversubscription criteria. Bishop Justus CofE School was found not to be admitting applicants sequentially. King David High School’s tie-breaker was found unable to be applied in a logical order in some circumstances. Hasmonean High School was found to be applying its criteria unequally to boys and girls due to having different sites for boys and girls. As we have already discussed, the implication of this is likely direct discrimination under the Equality Act 2010.

Nishkam High School was also found to be breaking this part of the Code as it was asking for parents to put in ‘other supporting information’ on the supplementary information form with no clarity as to what this was for.

Distance and catchment areas

Paragraph 1.13 requires that ‘Admission authorities must clearly set out how distance from home to the school will be measured, making clear how the ‘home’ address will be determined and the point in the school from which all distances are measured.’ **Paragraph 1.14** requires that ‘Catchment areas must be designed so that they are reasonable and clearly defined.’

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
1.13	3	3	1	1	4	4
1.14	4	3	0	0	4	3

These schools did not define how distance is measured or the point in the school to which it is measured, or defined their catchment areas by reference to religious parish or other obscure boundaries, without making boundary maps available online.

Improper consultation

Paragraphs 1.3 and 1.42-45 require schools to consult when proposing changes to their admission arrangements, and specify how such consultation is to occur. It must include (**1.44a**) consultation with ‘parents of children between the ages of two and eighteen’.

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
1.43	4	4	0	0	4	4
1.44a)	4	4	0	0	4	4
1.44	3	3	0	0	3	3
1.45	2	2	0	0	2	2
1.3	0	0	1	1	1	1
1.42	0	0	1	1	1	1

Ten schools were found not to have consulted properly. One, King David High School, had been reducing its PAN to reflect a shrinking local Jewish population without consulting on doing so. This meant that the school was continuously oversubscribed, even though it had physical capacity available. The school admitted every Jewish applicant that applied even if this meant admitting well above its PAN. The wider implications of this were not fully explored by the adjudicator.

Discrimination on the basis of race, gender, socio-economic group or sexual orientation

Paragraph 1.8 states that ‘Admission authorities must ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group’. These provisions are equivalent to the provisions of the **Equality Act 2010**, which precludes both direct and indirect discrimination on the basis of race, gender or sexual orientation (these being known as ‘protected characteristics’).

Direct discrimination is discrimination that is straightforwardly based on a protected characteristic. In the Equality Act it is simply unlawful. Indirect discrimination is discrimination that is not straightforwardly because of a protected characteristic but has the effect of putting individuals who share a protected characteristic at a disadvantage to others. It is also unlawful unless the discrimination can be shown to be ‘a proportionate means of achieving a legitimate aim.’

The test of ‘unfairly’ in paragraph 1.8 does not appear in the Equality Act, but for indirect discrimination it is somewhat analogous to the test as to whether discrimination can be shown to be ‘a proportionate means of achieving a legitimate aim.’

Religion or belief is also a protected characteristic under the Equality Act. However, there is an exception written into the Act to allow schools designated with a religious character to discriminate on the basis of religion or belief in their admissions policies without breaking the Act. Similarly there is an exception that allows single-sex schools to discriminate in who they admit on the basis of gender.

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
EA gender	2	2	1	1	3	3
1.8 racial	1	1	1	1	2	2
EA race	1	1	1	1	2	2
1.8 social	1	1	0	0	1	1

Gender

Three schools were, in our view, found to be directly discriminating on the basis of gender, although this was not explicitly stated by the adjudicator in every case. Hasmorean High School is a mixed school but has two single-sex sites and was measuring distance to one site for boys and the other to girls. Gender was asked for on the SIF. This was found to be unequal treatment but in our view likely also constituted direct discrimination on the basis of gender. Whether or not a mixed school having two single-sex sites (each offering a different curriculum) is in itself direct discrimination is outside the OSA’s remit.

King David High School is also a mixed school, and while located on one site, has two single-sex classes within each year group, each offering a different curriculum. Again this is outside of the OSA's remit, but the school had separate SIFs for those deciding to apply to these classes. This was found to break the Equality Act as it was taking into account pupils' gender. Finally, Bolton Muslim Girls' School included the definition, 'parent includes a father and a divorced or widowed mother or a single mother.' The adjudicator queried whether a devout Muslim mother married to a non-Muslim father counted as a parent under this definition, and suggested this may break the Equality Act.

Race

Two schools were found to be directly discriminating on the basis of race (and breaking paragraph 1.8). These were Hasmonean High School, in asking about the parents' *ketubah* (religious marriage certificate), and King David High School, in prioritising those who are members of Orthodox Jewish synagogues. Both requirements are accessible only to those considered to be Orthodox Jews. In order to be considered to be an Orthodox Jew by modern Orthodox authorities one must either be halachically Jewish, i.e. have a mother who is halachically Jewish, or must convert to Judaism under Orthodox auspices. As

Jews are in law a race as well as Judaism being a religion and since conversion is extremely burdensome, in 2009 the Supreme Court ruled in the JFS case that any criteria requiring pupils to be halachically Jewish constituted direct discrimination on the basis of race.^{xviii} These schools were going against that legal precedent.

'direct discrimination on the basis of race'

It is worth noting in passing that the London Oratory School in Hammersmith & Fulham was found last year to be indirectly discriminating on the basis of race after one of the Fair Admissions Campaign's member organisations, the British Humanist Association, submitted an objection.¹⁸ This was due to the complexity of the school's admission arrangements (including requiring three years of service to the Catholic Church, which was found to be non-Code compliant under paragraphs 1.9e), 1.9i) and the general tests of fairness) and as a result of analysis of the school's ethnic makeup when compared to that of the local area and other London Catholic schools. The school was similarly found to be indirectly discriminating under paragraph 1.8 on the basis of socio-economic background, an issue which we will next come onto. (This finding was later overturned by the High Court, although not found outright to be wrong – just to have been incorrectly arrived at.)^{xx}

Socio-economic background

One survey school, Canon Slade CofE School in Bolton, was found to be breaking paragraph 1.8 in discriminating unfairly against certain social groups. This was because the school had a points-based system that awarded one point to a parent and child for attending church weekly over the previous four years (giving 416 points total), one further point to a parent and child doing likewise monthly for the preceding three years (for 72 points total), and then three further points a year to a parent doing likewise annually for the four years before that (for 12 more points). This meant that 500 points were available over an eleven year period.

In practice between 252 and 332 points had been needed in recent years to get a place, but the adjudicator determined that requiring 252 points 'equates to a very high level of sustained attendance. The stringency of the attendance requirements means that families who face constraints on their ability to attend worship so frequently but who are nonetheless committed Christians are much less likely to secure a place for their child at the school. This could include families where one or both parents may have to work shifts which affect their ability to attend services every week or families with caring responsibilities such as an elderly relative or sick child who cannot be left. These challenges are likely to be especially pronounced in families where there is only one adult or where one parent works away from home. For some families, getting to Church once a month may well represent a greater logistical achievement than weekly attendance will for others. In this context, a child whose family had attended church 20 times a year for the past four years as well as at least monthly since the birth of the child would not have gained a place at the school in any of the past four years.'

The adjudicator then analysed the proportion of the school's intake that are eligible for free school meals, and found that the school's 3.2 percent eligibility rate was lower than other Anglican schools in the same diocese (which were between 5.8 and 24 percent), than Bolton as a whole (19.8 percent) and than the national average (16.3 percent). As a consequence the adjudicator 'concluded that the school's arrangements do disadvantage unfairly children from disadvantaged backgrounds', and so broke paragraph 1.8.

It is not clear that the school has yet complied with this decision. Looking at its admission arrangements today, eleven months after the determination, it still uses exactly the same points-based system.

The Fair Admissions Campaign's map ranks all state secondary schools in England and Wales in terms of how socio-economically selective they are by comparing the proportion of pupils at the school eligible for free school meals with the proportion in their local area.^{xxi} Of the 511 religiously selective secondary schools, Canon Slade is only ranked as the 131st most socio-economically selective. While Canon Slade has just 3.2 percent eligible for free school meals, locally the figure is 10.6 percent. This could be construed as suggesting that at least a quarter of religiously selective secondary schools are also socio-economically selective in the eyes of paragraph 1.8.

More complicated is whether all those schools are seen by the OSA as being 'unfair', as also required by paragraph 1.8. The Fair Admissions Campaign decided to test this by objecting to St Mary Redcliffe and Temple School (SMRT) in Bristol under this paragraph. This school requires both parent and child to worship three times a month for three years (equivalent to obtaining 216 points at Canon Slade). But 35.7 percent of pupils local to the school are eligible for free school meals, compared to 6.1 percent at the school itself, or 25.4 percent across all Bristol secondary schools.

However, while the adjudicator concluded that SMRT's admission arrangements do socio-economically select, he also concluded that this

was not unfair, as the level of religious worship required is not unusual for a religiously selective school. In our view this is the wrong test – the fact that unfairness might be widespread in the school system makes the system more unfair overall rather than exempting each individual school, and as a test it does not consider the *particular* impact of religious selection in increasing socio-economic selection at the school concerned. We shall examine this case in more detail later on, on page 52.

More generally, socio-economic discrimination is a subtext running throughout this document. Many of the things prohibited by the Code are prohibited in order to prevent such discrimination from occurring. The effect of all of these Code breaches is surely felt the hardest by those from poorer backgrounds, or who face language or disability barriers. We explore the evidence that religious selection engenders socio-economic selection in annex A.

Sexual orientation

Finally, six schools – Trinity Church School in Bexley, St James' Catholic High School in Barnet, St Columba's Catholic Boys' School in Bexley, Cardinal Newman Catholic School in Brighton and Hove, Cardinal Vaughan Memorial School in Kensington and Chelsea, and Khalsa Secondary Academy in Buckinghamshire – as well as being told not to ask for details of both parents in their SIFs, were told not to use gender-specific pronouns while doing so (assuming thereby that the parents were of opposite genders). This may have constituted indirect discrimination on the basis of sexual orientation under the Equality Act 2010, but it was not raised by us in advance or explored by the OSA in these terms in its determinations.

Further issues

A number of further problems were identified. An overview of these is presented in annex A.

Findings – Code breaches not upheld: where we agree

In total 52 of our objections about the survey schools and 16 in the other schools were not upheld for reasons we agree with. Ten of these were where we had alleged that the school had not published its admission arrangements in time (as we could not find them) but the school claimed that it had and they were there by the time the adjudicator looked. We cannot verify whether this was the case but it is quite plausible we missed them.

22 related to matters of clarity or fairness. Sometimes new information emerged during the course of an adjudication that made it apparent that there had been no Code breach, or that the Code breach was in fact lack of clarity and not something more serious. And in some places we were simply mistaken in our objections.

In one case (Rivington and Blackrod High School in Bolton) we objected to the admission arrangements on the school's website when the admission authority was the local authority so we should have objected to what the LA had published. It transpired that the school had not been updating its admission arrangements while the LA had, leading to ten alleged Code breaches not being upheld. One of these – giving priority to those attending a local tennis academy – was from arrangements that were six years out of date, meaning that the school had not updated the arrangements on its website for at least this long.

Another noteworthy case is that of Yesodey Hatorah Senior Girls' School, a Charedi Jewish secondary school in Hackney. The admissions policy states that 'Charedi homes do not have TV or other inappropriate media, and parents will ensure that their children will not have access to the Internet and any other media which do not meet the stringent moral criteria of the Charedi community. Families will also dress at all times in accordance with the strictest standards of Tznius (modesty) as laid down by the Rabbinat of the Union of Orthodox Hebrew Congregations.' A detailed dress code is then specified, and priority is then given to 'Charedi Jewish girls who meet the Charedi criteria as prescribed by the Rabbinat of the Union of Orthodox Hebrew Congregations.'

We were not aware of any paragraph of the Code this breached, but dictating a dress code and lack of TV/internet are, as far as we are aware, unique to this school's admission arrangements, so we invited the adjudicator to consider the criterion in the round. It was not found to break any paragraph and so remains in the school's oversubscription criteria.

In annex A we set out all the places where we made mistakes in our objections.

Findings – Code breaches not upheld: where we disagree

All our objections were upheld on at least some of the grounds we cited, and almost all were upheld on the great majority of grounds. But the majority of our determinations saw one or two issues not be upheld and in about two-thirds of cases we believe this is due to the inconsistencies in determinations outlined in what follows. In 121 instances in survey schools and eleven instances in other schools adjudicators made decisions that we disagree with.

In annex A we set out all the places where we agree we disagree with the outcomes of our objections.

Adjudicator inconsistencies

It is worth emphasising that in the vast majority of cases there was no disagreement between us and the adjudicator. But in some areas adjudicators were inconsistent with decisions reached in other cases (sometimes even other cases by the same adjudicator) and it is worth highlighting these for the OSA's attention and to enable the DfE to consider whether amendments to the Code might help clarify areas of confusion.

Paragraph 1.9a) is the main example of this. Our view of this paragraph is as is set impeccably out by the adjudicator in the Bishop Justus High School decision:

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.

Similar reasoning is set out in the decision with respect to St James' Catholic High School in Barnet and in other past cases referred to the OSA by other people. The decision with respect to St Bernadette Catholic Secondary School in Bristol presents similar reasoning (albeit in a different context) with respect to the word 'ask'. And yet in fourteen other cases similar objections were not upheld under paragraph 1.9a) (generally hinging on the ambiguous meaning of the word 'expect').

Paragraph 1.46 requires determination of admission arrangements by 15 April, and paragraph 1.47 requires them to then be published on the admission authority's website. In a large number of objections we found no admissions policy for 2015 was available; it was unclear as to whether this was because it had not been published or had not even been determined. So we wrote of 'either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken. The rest of the complaint is therefore about the 2014 policy'. In nine cases²⁶ this was understood to be an either/or/both objection, which is what we intended. But in ten other cases our objection was found to be 'not upheld' on paragraph 1.46 because an either/or reading was not taken.

In five cases (Bennett Memorial Diocesan School, King's School, Hove, Bishop Douglass School, St James' Catholic High School and Nishkam High School) this form of objection also led to another problem: the adjudicator **considered our objection against a different year's arrangements** to the year we objected to. We objected to the 2014 arrangements, which we were out of time to do but which the adjudicator could still, at its discretion, consider as a referral. The arrangements were still relevant at that point for waiting list purposes and in some cases, such as St Bernadette Catholic Secondary School in Bristol, the adjudicator decided to look at both 2014's and 2015's arrangements, which is what we expected to happen in cases where 2015 arrangements had indeed been determined. Instead in these five cases the school had changed its admission policy between 2014 and 2015 to fix our objection and so we were found to have objected to an issue that no longer existed.

Paragraph 1.6: As we have already seen, twelve schools were found to break paragraph 1.6 of the Code for not outlining the process for children with statements of SEN. In four other cases – Thornleigh Salesian College in Bolton, St Columba's Catholic Boys' School and Trinity Church School, Belvedere, and Sacred Heart High School in Hammersmith and Fulham – the adjudicator concluded that paragraph 1.6 does not require schools to outline how this

26. St Peter's Bournemouth, Our Lady & St John, Holy Trinity Barnsley, Immanuel Bradford, St Mary's Bradford, St Bernadette Bristol, St Columba's Bexley, St Michael's Bucks and Bishop Walsh.

process operates. In a literal sense this is arguably correct but not to do so should have led to Code breaches when it came to clarity instead. In one case this is what happened but in two the adjudicator merely said ‘Admission arrangements ought to say that children who have a statement that names the school will be admitted’, without finding any part of the Code as having been breached as a result of the school saying nothing about SEN. This risks leaving parents seriously confused.

Paragraph 1.34 requires schools to set out how random allocation occurs. But in three cases (Bennett Memorial Diocesan School, All Saints Catholic School and St Andrew the Apostle Greek Orthodox School in Barnet) schools were told that they did not have to do this. In each case such random allocation was occurring as a tie-breaker of last resort (as required by paragraph 1.8), and the adjudicator reasoned that paragraph 1.34 does not have to be complied with in such cases. But paragraph 1.34 does not say this.

Other issues included:

- St Paul’s School for Girls in Birmingham was told it was acceptable for parents to alternate in attending worship, when Bishop Justus was told that this is unacceptable as it places a greater burden on those with just one religiously observant parent.
- St Wilfrid’s Church Academy in Blackburn with Darwen was told that required frequency and duration of attendance for those of other faiths does not need to be specified, while Saint Gregory’s Catholic College in Bath and The Holy Family Catholic School in Bradford were told that it does.
- St Columba’s Catholic Boys’ School was told that it was acceptable to require membership of another faith, contradicting the decisions taken with respect to JCoSS and King David High School for the Jewish faith.
- Paragraph 1.13 requires that ‘Admission authorities must clearly set out how distance from home to the school will be measured, making clear how the ‘home’ address will be determined and the point in the school from which all distances are measured.’ Bennett Memorial Diocesan School does not specify the point in the school but merely says that the measurement will be from ‘a point in the school’. This was deemed to be Code-compliant.
- St James’s Church High School in Bolton was told that it was unfair to require two clergy to sign the supplementary information form, as in some cases families would only see one clergy member on a regular basis; but St Mary Redcliffe and Temple School in Bristol was told that this is fine.
- In three cases – Trinity Church School, Belvedere and King’s School, Hove and Tauheedul Islam Boys’ High School – objections that were not even submitted were found to not be upheld. In one case – Bury Church of England High School – three objections we submitted were not considered at all.

Some of these issues, for example with respect to paragraph 1.46 (adjudicators dealing with conditional objections in unintended ways), are of no practical consequence. And the fact that we asked not to participate in most of the cases meant that it was not possible for the OSA to check with us what we meant by our objections – this is probably responsible for a few of the issues that we have identified here. But other issues we have identified, in particular the inconsistencies around paragraph 1.9a) (requirements to support the ethos of the school), really do matter. We think the consequence here is that parents will continue to be misled in believing that in order to apply to the school they must hold certain views.

Adjudicators are not bound by each other's and past decisions – as with other courts and tribunals this would be inappropriate for a variety of reasons. But we hope that this section of this report will assist the OSA in being more consistent in the areas identified.

A different category of issue, however, is the four cases where we more fundamentally disagree with the decisions the OSA has taken. We shall now turn to these.

JFS and JCoSS – practical support for religious groups and unnamed feeder schools

JFS and JCoSS are Jewish schools in Brent and Barnet respectively. They have very similar admission arrangements:

- JFS requires applicants to get three points out of a possible five to be counted as religiously practising and therefore gain priority. Up to three can be achieved through attendance at worship, one through 'engagement in formal Jewish education (either provided at a Jewish primary school (not a nursery) or at a Cheder, or equivalent, or a tutor for at least 2 years' and one through a parent and/or child 'acting in an unpaid voluntary capacity in any Jewish communal, Jewish charitable or Jewish welfare activity'. It is therefore possible to be counted as religiously practising simply by attending worship, or alternatively worship attendance can be mixed with one or both of the other routes available.
- JCoSS required membership of a synagogue or attendance at a synagogue or both 'documentary evidence of a child's engagement in formal Jewish education (either provided, where relevant, at a school having a Jewish religious character, a Cheder/Hebrew school, or equivalent, or by a tutor)' and 'documentary evidence of a parent/carer or child's involvement in any Jewish communal, charitable or welfare activity in the last 2 years. This must have been in a volunteer capacity, with no financial value or monetary equivalent.'

Paragraph 1.9b) of the Code says that admission authorities must not 'take into account any previous schools attended, unless it is a named feeder school', while paragraph 1.9e) adds that they must not 'give priority to children on the basis of any practical or financial support parents may give to the school or any

associated organisation, including any religious authority'. JCoSS's synagogue membership requirement was disallowed under paragraph 1.9e), with the adjudicator finding that membership generally requires financial contributions and, in the words of the adjudicator, 'where such membership gives priority for a place at the school, this creates an association between the school and the synagogue, because the membership of the synagogue directly affects the priority of the child for a place at the school.'

1.9b) - Jewish education and unnamed feeder schools

The Fair Admissions Campaign objected to both schools' education criteria as, in the case of many applicants, it involved taking into account previous schools attended which were not named. The adjudicators did not uphold these objections, for three reasons: (i) in the JFS case, partly through reference to the religious guidance; (ii) in the JFS case, partly because, as the Office of the Chief Rabbi (OCR) argued, 'Attendance at a Jewish school is just one way to evidence that the principle of learning had been satisfied' (i.e. there are several different options available to applicants); and (iii) in both cases, because, to paraphrase the adjudicators, it is learning that is being considered, not school attended.

(i) has no relevance as paragraph 1.38 states that admissions authorities must have regard to their religious authority's guidance only 'to the extent that the guidance complies with the mandatory provisions and guidelines of this Code.' (ii) also has no relevance – the Code says that schools must not *take into account* previous schools attended. The fact that the schools are only taking account previous schools attended for some pupils does not make what they are doing any more Code-compliant. It is easy to construct a scenario where we have two identical applicants, except one has been to a Jewish primary school and the other hasn't, and the former is deemed by the schools to be religiously practising while the latter is not.

As for (iii), this seems to us to be inadequate: the relevant individual/body conducting the assessment as to whether the required sort of learning has taken place must by necessity (a) assess whether the learning offered by the institution attended is of the required sort; and (b) assess whether the learning was received. The former surely means establishing which institution was attended (something that is reflected by the fact that JFS's supplementary information form asks for the individual signing it to provide the 'Name of School/Cheder/Tutor') and so therefore previous school attended is, for some applicants, taken into account by the school or by another individual on the school's behalf (which is equivalent).

Precisely this line of logic was followed by the adjudicator who wrote the Cardinal Vaughan Memorial School decision, where the school similarly took into account religious (in this case Catholic) education, whether obtained through schools or not. The adjudicator in that case did not even dwell on the distinction between taking into account education received and taking into account schools attended in finding a breach of paragraph 1.9b).

There are further issues with this criterion that were not even discussed in the cases, namely paragraph 1.9i) (which disallows naming fee-paying schools

as feeder schools) and paragraph 1.15 (which says that feeder schools must be named on reasonable grounds). Clearly the schools we are discussing here were not named as feeder schools – but presumably if JFS and JCoSS named all schools that are currently taken into account under their education criteria, both these paragraphs would then be breached. Many of the relevant religious schools will be fee-paying and naming every (Orthodox) Jewish school in the country is surely unreasonable.

Alternatively, since the adjudicator’s view was that JFS was not taking into account previous formal Jewish education received, then we question whether paragraph 2.4 comes into play. This says that schools ‘must only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria or for the purpose of selection by aptitude or ability’. Either the school is taking into account previous schools attended, in which case the feeder schools must be named and on reasonable grounds; or it is not, in which case the school should not be asking for ‘Name of School’ on the CRP. Again this was not considered during the case as the adjudicator declined to meet us and so these matters could not be discussed in detail.

Finally, if the adjudicator’s view is correct, then surely this renders paragraphs 1.9b), 1.9l) and 1.15 largely meaningless for schools with a religious character, as it effectively gives them *carte blanche* to take into account education at (and therefore attendance at) whatever primary schools of the same religion they wish, so long as they do not name them or at least name only state schools. This cannot have been the intended reading of the Code.

1.9e) – Jewish communal, charitable or welfare activity and practical support for an associated organisation

The Fair Admissions Campaign also objected to both schools’ voluntary criteria as, while some of the activities being taken into account will clearly be very worthwhile, they should not, in our view, lead to priority in schools’ admission arrangements, as some parents clearly will not have the time or ability to take part in such activities, particularly those who come from single parent families or are otherwise unable due to long hours, low pay or poverty. And so by having these criteria in the schools’ oversubscription policies, some parents are given more ways to reach the required level of commitment to be counted as religiously practising than others.

It is plain that many of the activities that fall under these criteria will be practical in nature, and supportive of Jewish organisations. We would argue that these organisations are associated with the school not merely through their common faith-based nature (which we accept is insufficient to constitute an objectionable level of association) but also as a result of the very fact that volunteering for these organisations (and not others) gains an applicant priority in the school. Furthermore, some of the relevant organisations will be synagogues that share a closer association with the school than this – someone could fulfil the Jewish volunteering criterion by volunteering for the United Synagogue – which nominates the governors of JFS. A freedom of information request submitted to JFS after the case concluded established that this is in

fact happening. It is regrettable that the adjudicator did not explore this during the course of the case.

In the JFS decision, the adjudicator justified the school's policy by quoting the Office of the Chief Rabbi and the school in pointing out that no-one is required to meet the volunteering criterion, as well as referring to Jewish Oral Law on the difference between 'acts of loving kindness' and 'activities such as cleaning or maintenance of a place of worship, where payment may have been required to cover the cost, had it not been undertaken by parents about to make an application to secondary school'. But the fact that something is a religious obligation has no relevance here; nor does the fact that we are discussing one route and that there are other options available to applicants (again, the test in the Code is not whether or not something is required but simply whether it can lead to priority). Furthermore, the fact that some activities are more kindly than others does not mean that they are appropriate for a school's admissions policy – and (more importantly) does not mean that they are not practical in nature and their fulfilment does not potentially offer an element of priority for one applicant over an identical applicant who has not fulfilled them. These are not valid justifications, otherwise it could be argued (somewhat ironically) that someone could in fact clean a synagogue and argue that that is worthy of gaining a point under the voluntary criterion.

In the JCoSS decision, the adjudicator wrote that 'the objector argues also in a letter of 13 August 2014 that "*practically supporting any Jewish organisation is supporting an organisation associated with the school*". However, in an email of 11 September 2014 about this case though about a different aspect of it, the objector accepts that the fact that two organisations are both Jewish does not create an association between them.' Therefore there was no association. But this misrepresented our views. In fact, what we wrote on 11 September was: 'On what constitutes an associated organisation, it was argued that simply both parties being Jewish is too low a threshold to count as an association. In hindsight I agree but still maintain that the very fact that membership or attendance at a synagogue gains priority entry to the school does itself represent a form of association between school and synagogue' (a higher one than common Jewishness). We would argue likewise that a similar association between a Jewish school and Jewish organisation can be created through the admissions priority gained by taking part in an activity. This is identical to the reasoning the adjudicator herself used where she ruled out membership of a synagogue under paragraph 1.9e) – which we quoted above.

In sum, these two decisions were, in our view, inconsistent with the Code, and inconsistent with other adjudications that were returned as part of this exercise.

Bristol Cathedral Choir School – prioritising choristers

Bristol Cathedral Choir School's admission arrangements do not religiously select, but they do admit eight pupils a year who are choristers at Bristol Cathedral, as well as 10% on the basis of musical aptitude. The school's website says that 'To become a Probationer [chorister], children must first pass

an audition’ so it seemed clear to us that becoming a chorister means passing a test of either ability or aptitude. Neither of these are allowed – paragraph 1.9d) of the Code disallows schools from introducing any new selection by ability, and paragraph 1.24 disallows schools from admitting more than 10% of pupils on the basis of aptitude.²⁷

The school was subject to a determination by an adjudicator in March 2014, after a member of the public submitted a prior referral.^{xxii} This referral argued the school is breaking paragraph 1.24 by admitting more than 10% of places on the basis of aptitude, but the adjudicator wrote, ‘I was advised by the school that [the chorister priority] is a separate faith based criterion... Applicants must demonstrate a commitment to the faith through regular and participating membership of the choir, as certified by a religious authority, in this case, the Master of the Choir at the Cathedral... It would be helpful for parents if the distinction was made evident in the arrangements and the school agreed that it would make clear that criterion 8b requires a demonstration of faith, and that children admitted under this criterion are not included in the ten per cent admitted under the music specialism. I am satisfied that the evidence provided by the school... that there has been no breach of the Code.’

Of course, the fact that being a chorister may be a demonstration of faith (it might not be: some boys may join the choir only for the choral training it provides) does not preclude it from *also* requiring applicants to pass a test of ability and aptitude. However, not having seen the papers exchanged during this prior case, and not having seen the Cathedral’s Choir Prospectus (which was not in the public domain), this determination led us to conclude that the test must not be one of aptitude – and therefore must be one of ability.

As a result, when we subsequently submitted our own objections in June, we alleged that the chorister criterion breaks paragraph 1.9d), as well as paragraph 1.9e) (which disallows parents giving practical support to an associated religious organisation), paragraph 1.9i) (which disallows religious selection unless it is permitted by diocesan guidance), and paragraphs 1.4 and 1.8 (arguing that ‘we think it is unfair/not reasonable to give priority to children who are choristers, something that some children will plainly not have the time, means or parental support to be, or may not have the ability to pass the audition or make satisfactory progress’).

Once we were sent the Cathedral’s Choir Prospectus and details of the audition that choristers must pass, it became clear to us that the selection into the choir was primarily on the basis of aptitude. Indeed, the prospectus described the audition as ‘consist[ing] of tests designed to assess musical aptitude’ and as a ‘voice aptitude trial’. However it also seemed to us that parts of the audition tested ability. So we decided to leave our objection under paragraph 1.9d) in place, but also allege that paragraph 1.24 of the Code was being broken (contrary to the previous decision). On top of that, the Choir Prospectus raised a number of further issues of clarity, and the suggestion that the Cathedral tries to balance the choir on gender – which raised questions about direct gender discrimination under the Equality Act 2010. We asked that these be explored too.^{xxiii}

27. Note that aptitude and ability are distinct concepts in the Code. ‘Ability’ essentially refers to standard academic assessment, whereas ‘aptitude’ aims to measure potential.

The adjudicator appointed when our case started in June quickly established that the Diocese of Bristol didn't have any admissions guidance, and so all religious selection by Diocese of Bristol schools was not compliant with the Code. We are unsure why this was not picked up during the March case. The omission has now been remedied by the production of such guidance.

However the case also came to a premature end when the adjudicator established that the school had not determined its admissions policy – in spite of the fact that the school had been the subject of a separate determination just months before. After the school determined its admissions policy, the case restarted under the OSA's discretionary powers to consider schools outside of the usual objection window, with the adjudicator deciding to consider the FAC's objections as well as raising ten additional matters.

As is routine, this adjudicator arranged a meeting at the school to go through the issues involved, which a representative of FAC attended. After the meeting the school concluded, rightly in our view, that the adjudicator was going to find the chorister priority incompliant with the Code. As a result, the school subsequently hired lawyers who wrote to the OSA alleging that the adjudicator was biased. This was based on three grounds,²⁸ all of which the OSA rejected as spurious, but it agreed to appoint a new adjudicator regardless, and hence start the case a third time (or fourth if you count the referral prior to FAC's).

The new adjudicator in the case decided to hold another meeting on a date at which an FAC representative could not attend. However, FAC instead emailed the adjudicator a paper outlining in detail all the arguments on chorister priority – both those in the original objection and those, such as selection by aptitude, subsequently raised after seeing the Cathedral's Choir Prospectus^{xiv} – and also asked the adjudicator to ensure the ten additional matters the previous adjudicator had raised were not lost.

The subsequent determination^{xxv} by the OSA failed to consider the majority of points the FAC had raised, and in fact, we would argue, amounted to the OSA falling short of its statutory responsibility under section 88I of the School Standards and Framework Act 1998 to consider in full the admission arrangements that came to their attention and come to a view as to whether or not they comply with the Code.²⁹ For example, it is not apparent from the determination that the adjudicator considered some of the ten issues raised by the previous adjudicator, nor the issues we raised after seeing the Cathedral's Choir Prospectus about selection by ability, clarity and gender discrimination.

Beyond that, on the chorister issues, the school was found to be breaking paragraph 1.9i) due to the lack of diocesan guidance – but this was remedied by the diocese producing such guidance, and the chorister priority was not found to break any other part of the Code.

In particular, on selection by ability, the adjudicator wrote 'Would-be probationary choristers do not sit one or more tests of ability as used for testing for admission to fully or partially selective schools. The audition used by the Cathedral is described as an assessment designed to assess musical aptitude, which self-evidently must be necessary for a child to become a

28. Two related to the adjudicator not having seen certain documents prior to the meeting, and one because the adjudicator stated (correctly) that he is not bound by previous determinations.

29. This is the argument the OSA used in the London Oratory School's case to rebut the Oratory's allegation that the adjudicator went beyond just considering the BHA's objections and instead carried out a 'root and branch attack' on the school's admission arrangements. It is routine for adjudicators to consider arrangements in full once they are part of a case, and we will set out, in our view the adjudicator concerned did not do that.

30. We wrote, 'The 'Musical tests pdf'... seems to support [the notion that selection by ability is occurring] as it appears that being able to read sheet music is a requirement. 'The Selection of Choristers for Bristol Cathedral Choir' document also says 'A prospective chorister will also be asked to read a portion of a psalm (BCP) (unprepared) to assess their coping with an unfamiliar text using some archaic language.' which seems to be an English ability test.'

'Those which use faith-based criteria... appear to admit fewer children than expected who are eligible for free school meals.'

31. We wrote, 'Probationers are expected to attend the choir three times a week... It is very burdensome for parents to have to provide or arrange transport for their children to and from all those rehearsals. By providing such transport, parents of choristers are supporting the church, and given that transport is a good that someone can buy, this support is plainly practical in nature. Indeed, the chorister prospectus opens by saying, 'BECOMING A CHORISTER in a Cathedral Choir is a big commitment. It is one which will demand a lot of your child's time and energy, and your own as well.' ...at the meeting arranged by Dr Slater one of the representatives of the school queried this himself.'

probationary chorister and in due course progress to become a chorister. The test used by the Cathedral is not in my view a test of ability as prohibited by paragraph 1.9d of the Code.'

This did not address our arguments as to how precisely the selection is selection by ability.³⁰ But more significantly, it acknowledges that selection by aptitude is occurring – entirely contradicting the determination issued in March last year – without reaching the completely obvious conclusion that this in itself is therefore a breach of paragraph 1.24 of the Code. The fact that in our correspondence we had alleged such a breach was occurring is also ignored.

As for paragraph 1.9e), it is written in the decision, 'Parents themselves do not give practical support, but it is arguable whether they give indirect practical support by enabling their child to take part as set out in the probationers' timetable.' This is precisely what we were arguing happens,³¹ but the

adjudicator writes nothing else on the matter – failing to offer reasoning as to whether or not indirect practical support is being offered. The overall conclusion to the determination makes clear that no breach of paragraph 1.9e) is found.

Finally, in terms of paragraphs 1.8/14 (fairness/reasonableness), the adjudicator concluded that the criterion is fair/reasonable because she concludes it is 'clear and objective'. This was as 'The name of the school, Bristol Cathedral Choir School, its location adjacent to the Cathedral and the information about the school all make plain its long established links with the Cathedral and its musical heritage.' This ignores the fact that the school only added 'Choir' to its name and started selecting choristers in 2008. But, more concurringly, it yet again does not consider our objection. We agree that the criterion is clear and objective but we presented a range of reasons why it is not fair, none of which was addressed.³²

Again, this leads us to question whether the adjudicator has fulfilled its statutory responsibility, to fully consider the school's arrangements and come to a view as to whether or not they comply with the Code.

St Mary Redcliffe and Temple School – socio-economic selection

St Mary Redcliffe and Temple School (SMRT) in Bristol selects 200 of its 216 places on the basis of church attendance – leaving a small number available to local residents. In order to meet the most stringent religious criterion, parents and children are required to attend worship three times a month for three years. In recent years the school has been sufficiently oversubscribed that all pupils gaining entry have met this criterion.

6.1% of pupils at the school are eligible for free school meals, compared to 51.4% in its immediate vicinity,³³ 32.8% in its local area,³⁴ 25.4% amongst children in all state Bristol secondary schools, and 15.5% including neighbouring local authorities (from which the school draws a few pupils).

In other words, this school is socio-economically much wealthier than all local comparators. In fact it is one of the most socio-economically selective schools in the country.²⁵ Paragraph 1.8 of the School Admissions Code says that ‘Admission authorities must ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social... group’. We argued that this school, in its religious selection criteria, was breaking this paragraph of the Code – supporting this with a range of evidence from the academic literature showing how religious selection has been shown to result in socio-economic selection.^{xxvii}

The case is similar to that of Canon Slade CofE School in Bolton, where in April 2014 an adjudicator determined that the requirement in the oversubscription criteria to attend worship for eleven years was socio-economically selective. However in practice, given the school’s level of oversubscription, parents and children had to attend worship between 252 and 332 times – not that many more than SMRT’s 216 times – and the school was considerably less socio-economically selective. We discuss the Canon Slade case on page 39.

‘economic disadvantage’

However, the adjudicator did not find a breach of the Code by SMRT. The adjudicator effectively agreed with us that socio-economic discrimination is occurring. In his determination, he wrote that:

- ‘The objector’s assertion that there is a significant difference between the figures for the school and these [local] comparators is justified in my view.’
- ‘Assuming all schools can be expected to admit local children, those which use faith-based criteria appear, according to this data, to admit fewer children than expected who are eligible for free school meals.’
- ‘I have not checked the details of the methodology employed by the objector, and whether it is fully justified in asserting, as it does, that there is a “correlation”, meaning in my own understanding a specific mathematical relationship, “between the degree of religious selection and how socio-economically exclusive schools are”. What seems to me to be true generally from the objectors’ own research and from that which it has cited is that schools that use faith-based oversubscription criteria, when considered together, frequently but not uniformly admit a group of children who are less disadvantaged than the corresponding group of children living in their local area. That is, it seems to me to be justified to say that there is a broad relationship, but not necessarily a correlation, between the use of faith-based oversubscription criteria by schools and the extent to which FSM eligibility in their local populations is reflected in their own intake.’

32. We wrote, ‘firstly [it is unfair] because of the highly burdensome nature of meeting the criteria [as argued in our initial objection, something that some children will plainly not have the time, means or parental support to be, or may not have the ability to pass the audition or make satisfactory progress]...; and secondly, if such selection is purely on the basis of faith, as the school says, then this does not seem to fairly reflect the fact that some people may wish to demonstrate their religious commitment in other, more common and equally determined ways, and yet the school does not take account of that. Not everyone has an interest in music or will pass the audition. Those of equal faith without such an interest or who do not pass the audition would be being denied the same opportunities to access the school in spite of their equal faith commitment.’

33. By which we mean the middle super output area (MSOA) in which the school resides.

34. By which we mean the nearest MSOAs to the school such that the population of the MSOAs in state schools exceeds that to the school.

- ‘The question which I must consider is... whether any unfair indirect disadvantage is caused by [the school’s admission arrangements]. That is, I have asked myself whether those less well off would be likely to be less able to satisfy the requirements of the school’s faith-based oversubscription criteria to an extent which is unfair.

‘I have approached this by considering how disadvantage might arise, and it seems to me that in connection with a requirement to devote time on a regular basis to take part in an activity in a specific location which may be some distance from the home, practical issues such as competing family commitments and travel requirements are relevant. There may be only one parent or carer, for example, who was also responsible for other children, or families, parents or children might devote considerable time in the role of carer for other members of the family.

‘The ability to commit time is clearly reduced [for single-parent families]. Economically disadvantaged families may also not have access to private transport.’

‘The ability to commit time is clearly reduced where such matters have an effect. Economically disadvantaged families may also not have access to private transport. Such practical difficulties are in my estimation less likely to attend those with better financial resources, or are more easily overcome by them. In my view it is therefore potentially the case that economic disadvantage would make it more difficult for some families to fulfil criteria of this sort.’

However, the adjudicator went on to conclude that such disadvantage is not unfair, as also required by the Code. This is as

‘it seems to me, that the higher the level of attendance required the higher the potential for disadvantage to result and that whether a particular level of regular commitment is likely to have such an effect at all will to some extent depend on local circumstances. This has a bearing on whether the social group in question are unfairly disadvantaged...

‘[I]t seems to me that for a faith for which weekly observance is not unusual this level of attendance does not seem to be an unreasonable way to describe “regular attendance”. It also does not seem to me to constitute a very high level of attendance. There is no requirement other than attendance at weekly worship which is taken into account by the school... I am unconvinced that giving priority on such a basis is likely to provide sufficient an obstacle for it to be so difficult for it to be demonstrated by those less well off that unfairness arises. I am therefore not persuaded that the arrangements are likely to unfairly disadvantage indirectly this group in society, as the objector alleges.’

'The fact that a practice is widespread is not, in itself, a reason to describe it as fair. In fact what it means is that the unfairness identified might be widespread. '

In other words, because the level of religious attendance required was not unusually high, and because it was not unreasonable to describe this level of attendance as 'regular', this was deemed to be fair.

In our view this is the wrong test of fairness.

The fact that a practice is widespread is not, in itself, a reason to describe it as fair. In fact what it means is that the unfairness

identified might be widespread. But it also fails to take into account the local circumstances of this school – the particular impact that religious selection has on socio-economic selection in Bristol.

Fairness is, to some extent, a subjective concept, but this decision does not seem to us to have correctly or directly grappled with it. The adjudication seems to suggest that, in a hypothetical case where the local population was uniformly devout but radically divided between advantaged and disadvantaged families, criteria such as SMRT uses would legitimately result in a school offering places only to those from advantaged families.

Findings – overall levels of non-compliance

Factoring in the schools we didn't object to

As stated, our 'survey' area (local authorities whose names begin with the letter 'B') included 70 religiously selective secondary schools of which we judged just one to be Code-compliant. We therefore lodged objections to the admission arrangements of 69 schools but soon withdrew 26 of these objections, leaving 43. We raised objections also in the cases of five of seven other schools we found of concern, making a total of 48 – 47 of which have now concluded. This left 28 schools where we made no objection in this exercise, including 26 'survey' schools – but two of these had recently been subject to objections and we factored the results of these into our analysis above, which therefore, after excluding the school where there has been no adjudication yet due to its governing body not having determined admission arrangements, covers a total of 49 schools, of which 44 were 'survey schools'.

Those objections that we withdrew raised relatively minor issues or had neighbouring schools with identical admissions policies (for example, all the Catholic schools in Birmingham), as well as one school that had just had a determination against it. At the time we planned to reassess our concerns with these schools in light of the adjudications of our objections in order to come up with an overall count of the number of Code breaches across all schools in the local authorities we surveyed.

However, having re-examined the schools' admissions policies and their neighbouring schools where we did object and that we believed that they can be compared to, we conclude that all of our un-submitted objections were accurate. This means we could simply add together these 28 schools and the one where a case has not concluded. However, this seems to us like it would be a gross underestimate. It would not factor in the extra issues that the adjudicators themselves picked up amongst the other schools; nor any areas where the adjudicators might not have upheld our objections where we got it wrong or disagree with their verdict; nor refinements of our recording methods between the time we submitted the objections and after we received the determinations.

Therefore we believe it would be more accurate to consider how much the number of Code breaches grew amongst the 47 objections we did submit and where decisions were returned, and hence deduce the likely number of Code breaches amongst the remaining 29 schools – 28 where we didn't submit an objection and one where a decision has not been returned.

In general the schools subject to objections had almost twice as many Code breaches³⁵ in their determinations as we recognised in our objections, with higher proportionate increases in schools where we originally identified more problems. However, this growth was not uniform but increased exponentially as the number of predicted Code breaches increased, from a basic value of

35. 1.89 times as many.

seven extra Code breaches.³⁶ As a result we arrive at the estimate of 403 Code breaches amongst the survey schools not the subject of objections plus the one where a decision has not yet been returned, plus 21 amongst the two other schools we did not object to.

An overall total for all religiously selective secondary schools

Some 1,163 Code breaches were found by the OSA amongst the survey schools objected to and where decisions were returned, plus 222 amongst the other schools. Amongst the remaining schools we calculate 403 Code breaches amongst the survey schools and 21 amongst the other schools. This leads to a total of 1,566 amongst the 70 survey schools and 243 amongst the 7 other schools, or 1,809 amongst all 77 schools.

In total there are 535 religiously selective secondary schools in England, so 458 were not considered as part of our project. The survey schools we surveyed were chosen on an arbitrary basis so it is not unreasonable to assume that they are representative of the system as a whole.³⁷ This means that we can estimate the remaining schools break the Code some 10,246 times between them.³⁸ Across all 535 religiously selective secondary schools we therefore arrive at a figure of 12,055 breaches of the School Admissions Code, or 23 breaches per school.

Where were the biggest problems?

Schools

In this section we return our focus to the 49 schools on which an adjudication has been issued. The two schools found to break the Admissions Code the most frequently were Hasmonian High School in Barnet and King David School in Manchester – both Jewish schools. Figures are provided in the table below.³⁹

School	Local authority	Total	Total unique
Hasmonian High School	Barnet	73	31
King David High School	Manchester	69	42
Sacred Heart High School	Hammersmith and Fulham	65	23
St Mary's Catholic College	Blackpool	58	27
Khalsa Secondary Academy	Buckinghamshire	58	23
Nishkam High School	Birmingham	56	19
St Mary Redcliffe and Temple School	Bristol, City of	50	20
Saint Gregory's Catholic College	Bath and North East Somerset	47	18
Bolton Muslim Girls School	Bolton	44	20
Canon Slade CofE School	Bolton	43	23

36. This is what you would expect given that we did not generally take the time look at sixth forms whilst the OSA did.

37. Here we ignore the seven untypical schools we did look at from the sum other than to add them back in at the end.

38. $(458/70) \times 1,566$

39. By 'total' we mean the total number of individual Code breaches recorded. By 'total unique' we mean the number of different paragraphs of the Code that were found to be being broken.

Cardinal Vaughan Memorial School	Kensington and Chelsea	38	21
St Michael's Catholic School	Buckinghamshire	36	16
St George's School A Church Business & Enterprise College	Blackpool	36	15
Newman Catholic College	Brent	35	14
St James' Catholic High School	Barnet	34	14
All Saints Catholic School and Technology College	Barking and Dagenham	33	18
Bristol Cathedral Choir School	Bristol City of	30	18
Yesodey Hatorah Senior Girls school	Hackney	30	18
Bishop Justus CofE School	Bromley	28	20
Thornleigh Salesian College	Bolton	28	16
JCoSS	Barnet	27	18
St James's Church High School	Bolton	27	16
The Holy Family Catholic School	Bradford	27	16
Bradford Academy	Bradford	26	16
Trinity Church School, Belvedere	Bexley	26	15
St Peter's Catholic Comprehensive School	Bournemouth	26	15
Cardinal Newman Catholic School	Brighton and Hove	26	14
Bishop Douglass School Finchley	Barnet	22	14
St Wilfrid's Church Academy	Blackburn with Darwen	21	14
Rivington and Blackrod High School	Bolton	21	11
Waddesdon Church School	Buckinghamshire	20	12
Bennett Memorial Diocesan School	Kent	20	10
Feversham College	Bradford	18	15
St Bernadette Catholic Secondary School	Bristol City of	18	11
St Columba's Catholic Boys' School	Bexley	18	8
St Paul's School for Girls	Birmingham	17	13
Immanuel College	Bradford	17	12

St Gabriel's RC High School	Bury	16	10
St Gregory's Catholic Middle School	Bedford	15	9
Holy Trinity	Barnsley	12	8
Our Lady and St John Catholic College	Blackburn with Darwen	10	8
Bishop Walsh Catholic School	Birmingham	10	7
St Andrew the Apostle Greek Orthodox School	Barnet	9	6
The Bishop of Winchester Academy	Bournemouth	9	4
Tauheedul Islam Boys' High School	Blackburn with Darwen	8	8
King's School	Brighton and Hove	8	8
Manchester Mesivta School	Bury	7	6
JFS	Brent	7	4
Bury Church of England High School	Bury	6	6

Local authorities and regions

Most local authorities in our survey areas contained no, one or two religiously selective secondary schools that we objected to, so while we analysed the number of Code breaches per school in each local authority, we could not be confident that the results demonstrated anything other than statistical noise. The same is true at the regional level, where two regions only contained one local authority and two contained none. It is worth noting, however, that Barnet was found to be in line with other local authorities – the fact that the Department for Children, Schools and Families put it through a similar exercise in 2008 did not stop the schools there from having problems.

Religions

Religion	No of survey schools [total 70]	No of adjudications [total 44]	Upheld total per school	Total per school
Sikh	2	2	57	57
Jewish	4	4	28.5	28.5
Christian	1	1	26	26
Muslim	5	3	23.33	24
Church of England	20	14	24.43	21.6
Roman Catholic	36	18	26.44	20.53
Roman Catholic/Church of England	1	1	12	12
Greek Orthodox	1	1	9	9

Above we present the number of survey schools of each religious denomination, the number of survey schools of that denomination we objected to, the number of objections upheld per survey school, and our estimate for how many would have been upheld had adjudications been obtained for all the survey schools.

Apart from the Church of England and Roman Catholic schools (which were roughly in line with each other) there are not very many for each group. The two Sikh schools were the worst, although it is worth knowing that both schools concerned are very new to the state system. With respect to the Jewish schools, one was found to have a very large number of Code breaches, one a slightly above average number and two well below average. But we believe the adjudicator made significant mistakes with two of them, and therefore the number should be higher, and one of the schools, JFS, was subject to a Supreme Court case over its admissions policy in 2009.

For the purposes of the Code, most faiths have a single religious authority, or in the case of Church of England and Catholic schools, their diocese acts as their authority.^{xxviii} The exception to this is with respect to Jewish schools, where there are eleven separate authorities, most of which only cater to one, two or three schools.^{xxix} This makes it harder to ensure that the religious authorities are experts in complying with the Code, and produce sound guidance.

Recommendations

It is clear that amongst religiously selective secondary schools there are widespread issues of non-compliance with the School Admissions Code.

Unfortunately in a large number of cases this is because schools do not wish to have to comply with some of the Code's requirements, but would rather interpret its meaning in irregular ways that suit their interests, rather than best guarantee the fair distribution of places for children.

An end to religious selection

First and foremost, we think that religious selection amongst state-funded schools should be phased out. The most obvious and straightforward step that can be taken towards ending complexity in admissions, ending socio-economic and ethno-religious discrimination and making the system as fair and straightforward as possible for parents and children is to open up all state schools to all young people, without regard to their or their parents' religious or non-religious views. There are a range of other reasons why we think this is desirable, all of which are set out on the Fair Admissions Campaign's website.^{xxx}

We welcome the fact that in 2007 the then Labour Government introduced a rule requiring all new Academies to have at least 50% inclusive admissions policies;^{xxxii} that, thanks to Liberal Democrats policy, in 2010 the Coalition Government decided to keep this rule;^{xxxii} and that in 2015, the Conservative Government made the same decision.^{xxxiii} But this leaves the vast majority of religiously selective schools untouched, as well as leaving in place for all religiously selective schools the perverse incentives we have outlined.⁴⁰

This report demonstrates that while religious selection continues, the system is an unholy mess. A recent survey by the Organisation for Economic Co-operation and Development (OECD) of member countries only identified the UK, Republic of Ireland, Israel and Estonia as allowing state schools to religiously select.^{xxxiv} It is time the UK left that club.

If the Government is not willing to take steps to phase out religious selection, or even if it is so willing, we have also made a number of other recommendations that we hope can help improve things in other ways. These follow below.

Alerting schools to common areas of non-compliance

As we already stated, unfortunately too often schools do not wish to comply with the Code's requirements. In other cases, however, it is clear that schools simply lack awareness of the requirements of the Code.

Some of the areas of non-compliance we have identified are common. It would therefore be worthwhile for the DfE to alert schools to these issues in new

40. Two of the Free Schools we objected to were found to break the Admissions Code over 50 times apiece.

guidance. The DfE only first produced non-statutory guidance on admissions in May 2014,^{xxxv} but this guidance is addressed only to free schools, and, at any rate, does not cover many of the issues identified in these cases.

Some of the issues we have identified suggest more clarity is needed in the School Admissions Code itself. For example, it could be explicit in paragraph 1.47 and in the timetable at the end of the Code that admission authorities must keep their admission arrangements on their websites until the end of the admission term – instead of having this conveyed in inexplicit terms in paragraph 2.14. Many of the other problems better lend themselves to clarification in separate guidance.⁴¹

Areas that could be further clarified include:

- **Religious worship:** Guidance should make clear that if admission authorities are to take into account religious worship, they must specify in their oversubscription criteria how frequently and for how long such worship must occur.
- **Two parents/carers:** The School Admissions Code should explicitly state that admission authorities can only ask take into account the behaviour of one parent/carer, including in religious worship. Parents/carers should not be able to alternate attendance at worship.
- **Supplementary information forms:** Guidance should reiterate that admission authorities must not ask for any information that is not needed other than for consideration of the oversubscription criteria or for the purpose of selection by aptitude or ability – and point out that this means that they should not ask for pupils' gender, for details of both parents/carers, for both parents to sign the form or for the child to sign, or (if religiously selective) for frequency or duration of worship in a manner other than is specified in the oversubscription criteria. They should not ask for declarations of support for the ethos of the school unless this is in the oversubscription criteria. If a religious leader is required to sign the form, it should be made explicit that the leader must only be confirming that the application meets a certain oversubscription criterion. No more than one religious leader should be required to sign such a form. Finally, admission arrangements must make clear under which criteria completing a SIF is not compulsory, such as where families apply under the lowest oversubscription criterion.
- **Publication of admission arrangements:** The Code should explicitly state in paragraph 1.47 and in the timetable at the end that admission authorities must keep each year's admission arrangements on their websites until the end of the term in which admission takes place. It would be helpful to state that this means that from April to December each year⁴² admission authorities should have two versions of their admission arrangements on their websites. Where a school is not its own admissions authority and yet also has its admission arrangements on its website, the Code should also require that the school complies with this requirement.
- **Looked-after and previously looked-after children:** There remains a lot of confusion about the priority awarded to looked-after

41. To be clear, such guidance need only seek to clarify the mandatory provisions of the Code, and need not introduce new non-mandatory provisions in the manner that the Code had before the 2012 revision.

42. From 2016 this will be March to December.

and previously looked-after children particularly when it comes to religiously selective schools. There is scope to clarify the requirements in guidance – but the simplest solution would be for the Code to be amended to require religiously selective schools to prioritise all LAC and PLAC children first, just as is required of all other schools.

- ‘Expect’ and ‘ask’: There was a lack of consistency between OSA determinations as to whether or not it is acceptable for schools to ‘expect’ or ‘ask’ applicants to support the ethos of the school – depending upon whether ‘expect’ or ‘ask’ is interpreted to mean ‘require’. It seems easy to us to imagine a parent/carer reading the two terms in this way and so guidance should state that these words are to be avoided as a matter of clarity.

- Final tie-breakers: Guidance should make clear that in practice, to provide a final tie-breaker, all admission authorities must ultimately either use random allocation or admit all identically ranked applicants even if it means going above their published admission number (PAN).

- Sixth form admissions: Guidance could make clear how published admission numbers work in particular with respect to sixth forms, i.e. admission authorities must publish the minimum number of external applicants that will be admitted.

- Unnamed feeder schools: The Code should be amended to make clear that it is not possible to take into account a type of education previously received.

- Admitting all applicants: Guidance should make clear to admission authorities that the lowest oversubscription criterion should be a catch-all, capable of admitting all applicants – in other words, it should be based on distance and/or random allocation.

- Guidance from the religious authority: Paragraph 1.9i) effectively means that schools can only religiously select pupils in ways written down in guidance from the religious authority. DfE guidance produced to support the Code should make this explicit.

- Special educational needs: The Code should make it explicitly clear that admission authorities must state how pupils with statements of special educational needs are admitted, and that this should not appear to be an oversubscription criterion.

- Financial or practical support for an associated organisation: The Code, as drafted, precludes priority being given on the basis of financial or practical support given by parents to organisations associated with the school. This should be extended to also cover support given by children. Guidance should make it clear that such financial or practical support cannot be used as a criterion of religious commitment.

- Catchment areas: Where catchment areas are used, the admission authority should publish a high resolution map of the area.

Who is monitoring compliance with the Code?

In our view there is no-one pro-actively monitoring compliance with the Code. Local authorities are not good enough at ensuring their local schools are Code-compliant. In one case the local authority confused having different categories of oversubscription criteria with banding (i.e. testing to try to ensure a range of abilities are admitted to the school) – a fairly basic mistake. In many other cases local authorities supported schools that were subsequently found to break the Code – or, when it came to religious issues, declared that as the issue was a religious matter it was not one for the LA to comment on.

Paragraph 3.2 of the Code says that ‘Local authorities must refer an objection to the Schools Adjudicator if they are of the view or suspect that the admission arrangements that have been determined by other admission authorities are unlawful’. But local authorities cannot effectively police schools’ admission arrangements due to (in some cases) a lack of knowledge and (in all cases) a conflict of interest. Schools do not like having their arrangements objected to, and for a wide range of reasons it is in LAs’ interest to maintain a good relationship with their local schools (including their local Academies and Free Schools).

Religious authorities face exactly the same issue. In four cases, including one Church of England Diocese, it was found that no written guidance for schools had been provided, in spite of paragraph 1.9i) of the Code disallowing any religious selection unless guidance is issued. In several other cases, especially amongst Jewish schools, the guidance goes beyond what the Code allows. It would be a simple exercise for the DfE to request to see the guidance of all religious authorities, ensure that it exists and ensure that it does not permit admission arrangements that breach the Code.

The OSA also cannot act as an oversight/monitoring service as it is the judicial authority and the two roles must be separated. The OSA acts admirably in looking at schools’ admissions policies in the round when cases are referred, but it cannot proactively seek out and challenge schools – this would be inappropriate and overly burdensome when issues might be resolvable informally; and at any rate it doesn’t have the capacity to do so.

The DfE also cannot entirely act as an oversight/monitoring service as it is the Government and again there needs to be a separation between legislative/governmental and policing functions. It is also not in the DfE’s interest to damage relationships with a large numbers of schools.

Nor can it be left to schools themselves, as while many people working in the education sector have the best of intentions, schools are also subject to perverse incentives, when it comes to the competition between schools for higher places in the league tables and the desire this can engender to covertly admit the ‘right sort’ of pupil.

Finally, in our view, it cannot be left to the public to police compliance with the Code because, as this exercise has shown, non-compliance is widespread and generally unsuspected.

We believe that an independent monitoring service should be established, perhaps along the lines of the Office for Fair Access at university level. All universities and colleges offering higher education have to have an access agreement with OFA. Requiring schools to get pre-approval of their admissions policy would be a nice ultimate aim but is much more difficult with over 20,000 institutions.⁴³ However, a body that is independent of national and local government, with no judicial functions, that is pro-active in examining schools' admission arrangements, would be welcome. This may only need a very small number of staff to start to be effective over time. The body could start off by contacting schools where it identifies potential non-compliance, and then refer matters to the OSA where it proves not to be possible to resolve issues informally and amicably.

Making admissions policies more uniform

Admissions policies are becoming less uniform over time. In 2000 just 30% of all secondary schools were their own admission authority, with the local authority covering the remaining 70% of schools. Now over 80% of secondary schools are their own admission authority. This means greater divergence between admissions policies, more of the types of issues we have identified in this report, and more schools able to set admissions policies that have the effect of socio-economically engineering their intakes.

It is only right and fair that school admission policies are required to adhere to a statutory code – children's life chances are at stake and one school's approach has wide implications for its neighbours. But it is also clear from this research that governing bodies are not an appropriate or properly equipped body to be given the responsibility of setting admission arrangements, and least of all ones at religiously selective schools. As we have noted, almost 60% of the issues revealed at the schools we have looked at were related to religious selection. The current system is seriously deficient, and it is noticeably worse within the religiously selective sector.

It seems an obvious improvement to require schools instead to follow a standard template in their admissions policy, with this template allowing for a variety of Code-permitted factors to be taken into account in oversubscription criteria. This would easily deal with a lot of the less malicious Code breaches that have been identified through our research. Faith schools' religious authorities might also negotiate the use of a standard supplementary information form.

But more generally it does not make sense for schools to be their own admission authorities. It is not at all clear what public policy outcome is currently being served by letting schools control their own admissions and decide whom they wish to educate. Many policy makers wish to empower parents to choose schools for their children, but letting schools decide which children they admit (as the current systems does) goes against this aim and (as has been demonstrated) it is overwhelmed by a litany of practical procedural problems, minor and major. On top of problems caused by a lack of understanding of the Code, schools have perverse incentives to manipulate their intakes and so improve their apparent performance when compared to

43. Although having several centrally produced 'pro forma' admission arrangements, with schools having to adopt one of them, would go a long way towards having the same effect – see the next section.

other local schools. In a liberal democracy we should not be creating a system that leads to wide-ranging law-breaking by schools in the process of allotting life chances. The system is clearly not working and should change.

Unless we really expect the governing bodies of the thousands of religiously selective and other state funded schools in England each to become proficient in this important, complex and rightly regulated area of education policy, the process should instead be given to another body, which is free from such incentives as covert social selection, which is used to considering the relevant factors in admission policies, and that wishes to see all local schools thrive.

This new admissions authority could be the local authority, regional school commissioners or someone else entirely. But whichever is chosen to fulfil this role, if religious selection is to continue, it should be negotiated by the school with this new area-wide admissions authority.

It should be noted that local authorities already set the admissions criteria at the large proportion of England's voluntary controlled religious schools. Whether that is or is not the right model can be debated, but it quite clearly demonstrates the principle that an independent and specialist body can set the admissions policies of local schools, including religiously selective ones, because at many such schools it already takes place. The experiment with making more schools their own admission authority is failing.

Instead or as well, schools should have a duty to co-operate with each other and other agencies to secure the best social and educational outcomes for local areas as a whole. Each local authority should prepare a strategic plan for provision within its area with a view to ensuring intakes are diverse, and all schools should be under a duty to have regard to this plan.

Endnotes

- i 'Groundbreaking new research maps the segregating impact of faith school admissions', Fair Admissions Campaign, 3 December 2013: <http://fairadmissions.org.uk/groundbreaking-new-research-maps-the-segregating-impact-of-faith-school-admissions/> – accompanied by the Fair Admissions Campaign's map: <http://fairadmissions.org.uk/map/>
- ii <http://fairadmissions.org.uk/FACoverview/>
- iii School Admissions Code, Department for Education, 1 February 2012: <https://www.gov.uk/government/publications/school-admissions-code> See also School Admissions Code, Department for Education, 19 December 2014: <https://www.gov.uk/government/publications/school-admissions-code--2>
- iv School Admission Appeals Code, Department for Education, 1 February 2012: <https://www.gov.uk/government/publications/school-admissions-appeals-code>
- v A keeling schedule showing the relevant sections of the Act in their revised form can be found at EDUCATION BILL HL Bill 67 Keeling Schedule, Department for Education, 24 October 2011: <http://webarchive.nationalarchives.gov.uk/20130123124929/http://media.education.gov.uk/assets/files/pdf/e/education%20bill%20keeling%20schedule%20-%20admissions.pdf>
- vi The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012: <http://www.legislation.gov.uk/uksi/2012/8/contents/made> As amended by The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) (Amendment) Regulations 2014: <http://www.legislation.gov.uk/uksi/2014/2886/contents/made>
- vii Equality Act 2010: <http://www.legislation.gov.uk/ukpga/2010/15/contents> and Human Rights Act 1998: <http://www.legislation.gov.uk/ukpga/1998/42/contents>
- viii From section 38 of the Education and Inspections Act 2006: <http://www.legislation.gov.uk/ukpga/2006/40/section/38>
- ix Balls, Ed, ministerial statement in the House of Commons on School Admissions (Strengthening the System), Hansard via They Work For You, 11 March 2008: <http://www.theyworkforyou.com/wms/?id=2008-03-11b.4WS.0&s=speaker%3A11740#g4WS.1>
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- As well as in the zip file, the explanatory note is also at: <http://webarchive.nationalarchives.gov.uk/20080728144543/http://www.dcsf.gov.uk/sacode/pdf/Explanatory%20note%20to%20the%20tables%20for%20the%203%20LAs.pdf>
- x Allen, Rebecca and West, Anne, Religious schools in London: school admissions, religious composition and selectivity, Oxford Review of Education Vol. 35, 4, pp. 471-494, August 2009: <http://eprints.lse.ac.uk/25635/>
- xi 'Ten reasons why we should object to religious selection by schools', Fair Admissions Campaign: <http://fairadmissions.org.uk/why-is-this-an-issue/>
- xii Free school admissions guidance, Department for Education, 19 December 2014: <https://www.gov.uk/government/publications/free-schools-admissions>
- xiii As per 'Groundbreaking new research maps the segregating impact of faith school admissions', Fair Admissions Campaign, 3 December 2013: <http://fairadmissions.org.uk/groundbreaking-new-research-maps-the-segregating-impact-of-faith-school-admissions/> and the Fair Admissions Campaign's map: <http://fairadmissions.org.uk/map/>
- xiv *Ibid.*
- xv For the outcomes, see:
- 'Landmark ruling: Schools Adjudicator finds London Oratory School admissions policy to be both racially and socio-economically discriminatory', British Humanist Association, 15 July 2014: <https://humanism.org.uk/2014/07/15/landmark-ruling-schools-adjudicator-finds-london-oratory-school-admissions-policy-racially-socio-economically-discriminatory/>
 - 'London Oratory vs Office of the Schools Adjudicator: High Court judgment leaves vast majority of adjudicator's findings upheld', British Humanist Association, 20 April 2015: <https://humanism.org.uk/2015/04/20/london-oratory-vs-office-of-the-schools-adjudicator-high-court-judgment-leaves-vast-majority-of-adjudicators-findings-upheld/>

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- xvi The spreadsheet can be found at: <http://fairadmissions.org.uk/wp-content/uploads/2015/09/Analysis-of-complaints-for-publication.xlsx>

- xvii *R (on the application of E) (Respondent) v Governing Body of JFS and the Admissions Appeal Panel of JFS (Appellants) and others*, UK Supreme Court, 16 December 2009: https://www.supremecourt.uk/decided-cases/docs/UKSC_2009_0136_Judgment.pdf

- xviii *R (on the application of E) (Respondent) v Governing Body of JFS and the Admissions Appeal Panel of JFS (Appellants) and others*, UK Supreme Court, 16 December 2009: https://www.supremecourt.uk/decided-cases/docs/UKSC_2009_0136_Judgment.pdf

- xix *ADA2410: The London Oratory School*, OSA, 15 July 2015: <https://www.gov.uk/government/publications/the-london-oratory-school-3>
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- xx *London Oratory School, R (on the application of) v The School Adjudicator & Anor*, 17 April 2015: <http://www.bailii.org/ew/cases/EWHC/Admin/2015/1012.html>. See also part (2) of ‘What did the ruling in the London Oratory case actually mean?’, HumanistLife, 20 April 2015: <http://humanistlife.org.uk/2015/04/20/what-did-the-ruling-in-the-london-oratory-case-actually-mean/>

- xxi ‘Groundbreaking new research maps the segregating impact of faith school admissions’, Fair Admissions Campaign, 3 December 2013: <http://fairadmissions.org.uk/groundbreaking-new-research-maps-the-segregating-impact-of-faith-school-admissions/> and the Fair Admissions Campaign’s map: <http://fairadmissions.org.uk/map/>

- xxii *ADA2573: Bristol Cathedral Choir School*, OSA, 5 March 2014: <https://www.gov.uk/government/publications/bristol-cathedral-choir-school>

- xxiii Our full reasoning is available in a paper we submitted during the case, which we are publishing at: <http://fairadmissions.org.uk/wp-content/uploads/2015/09/Bristol-Cathedral-Choir-School-%E2%80%93-overview-of-chorister-objections.pdf>

- xxiv We have published the Bristol Cathedral’s Choir Prospectus, at: <http://fairadmissions.org.uk/wp-content/uploads/2015/09/Cathedral-Choir-Prospectus-v2.pdf>

- xv *ADA2832: Bristol Cathedral Choir School*, OSA, 13 February 2015: <https://www.gov.uk/government/publications/bristol-cathedral-choir-school--2>

- xxvi As per the Fair Admissions Campaign’s map: <http://fairadmissions.org.uk/map/>

- xxvii Some of this evidence is set in general terms out in <http://fairadmissions.org.uk/FACoverview>. Our paper where we made these arguments about this school can be found at: <http://fairadmissions.org.uk/wp-content/uploads/2015/09/St-Mary-Redcliffe-and-Temple-School-and-socio-economic-selection.pdf>

- xxviii See schedule 3 of The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 for the full list: <http://www.legislation.gov.uk/uksi/2012/8/schedule/3/made>

- xxix See schedule 4: <http://www.legislation.gov.uk/uksi/2012/8/schedule/4/made>

- xxx ‘Ten reasons why we should object to religious selection by schools’, Fair Admissions Campaign: <http://fairadmissions.org.uk/why-is-this-an-issue/>

- xxxi *Faith in the system: The role of schools with a religious character in English education and society*, Department for Children, Schools and Families, 2007: <http://www.religionlaw.co.uk/FaithInTheSystem.pdf>

- xxxii *The Coalition: our programme for government*, HM Government, May 2010: http://webarchive.nationalarchives.gov.uk/20121015000000/http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/documents/digitalasset/dg_187876.pdf
See also *Policy Paper 89 – Equity and Excellence: Policies for 5-19 education in England’s schools and colleges*, Liberal Democrats, 2009: <http://www.educationengland.org.uk/documents/pdfs/2009-libdems-policy-paper-89.pdf>

- xxxiii ‘Minister pledges to keep 50% cap in religious admissions’, Accord Coalition, 25 June 2015: <http://accordcoalition.org.uk/2015/06/25/minister-pledges-to-keep-50-cap-in-religious-admissions/>

- xxxiv Musset, Pauline, *School Choice and Equity: Current Policies in OECD Countries and a Literature Review*, OECD, 31 January 2012: http://www.oecd-ilibrary.org/education/school-choice-and-equity_5k9fq23507vc-en

- xxxv *Free school admissions guidance*, Department for Education, 19 December 2014: <https://www.gov.uk/government/publications/free-schools-admissions>

Annex A: Overall numbers of Code breaches

In the below tables we set out all the places where code breaches were found, not upheld and we agree with the conclusion, and not upheld but we disagree with the conclusion. The Code paragraphs referred to can be understood by reading the relevant sections of the report or reading the Code itself.

Code breaches found

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
14 clear	163	42	32	5	195	47
1.8 clear	163	42	32	5	195	47
2.4 asks	132	33	23	5	155	38
1.37 cl/obj	112	37	19	4	131	41
1.47	54	39	3	3	57	42
1.7 (P)LAC	28	22	4	4	32	26
1.9a)	24	14	6	3	30	17
14 fair	25	11	4	3	29	14
1.8 fair	25	11	4	3	29	14
1.8 tie-breaker	28	24	1	1	29	25
2.14	23	18	5	3	28	21
14 objective	23	12	2	2	25	14
1.8 objective	23	12	2	2	25	14
1.2	20	17	2	2	22	19
1.9b)	16	14	5	4	21	18
1.46	20	15	1	1	21	16
1.6 ov.	14	9	5	3	19	12
1.37 (P)LAC	17	14	1	1	18	15
2.4 comp SIF	15	14	3	3	18	17
2.8	12	8	5	3	17	11
1.9i)	9	9	7	4	16	13
1.36	9	7	5	3	14	10
1.9m)	12	12	1	1	13	13
2.6 int-views	12	12	1	1	13	13
1.6 SEN	11	11	1	1	12	12
1.9g)	10	10	2	2	12	12
2.4a)	9	8	3	2	12	10
2.4e)	10	9	2	2	12	11
1.15	9	9	2	2	11	11
2.4c)	11	10	0	0	11	10

1.9e)	9	9	1	1	10	10
1.9f)	9	6	1	1	10	7
2.6 child applying	7	7	2	2	9	9
15	8	3	0	0	8	3
15d)	4	3	4	2	8	5
2.6 set entry req	5	4	3	3	8	7
1.7 ov.	6	5	1	1	7	6
1.9d)	4	4	3	3	6	5
1.13	3	3	1	1	4	4
1.14	4	3	0	0	4	3
1.18	1	1	3	3	4	4
1.32c)	2	2	2	2	4	4
1.39	4	3	0	0	4	3
1.43	4	4	0	0	4	4
1.44a)	4	4	0	0	4	4
2.6 internal apps	2	2	2	1	4	3
1.34	2	2	1	1	3	3
1.44	3	3	0	0	3	3
2.5	2	2	1	1	3	3
EA gender	2	2	1	1	3	3
1.8 racial	1	1	1	1	2	2
1.9h)	2	2	0	0	2	2
1.9i)	1	1	1	1	2	2
1.11	2	2	0	0	2	2
1.30	0	0	2	2	2	2
1.35	2	2	0	0	2	2
1.38	1	1	1	1	2	2
1.45	2	2	0	0	2	2
2.7	2	2	0	0	2	2
EA race	1	1	1	1	2	2
SSFA 71	2	2	0	0	2	2
Regs 9	2	2	0	0	2	2
Ap Code 2.1	1	1	1	1	2	2
15b)	1	1	0	0	1	1
15e)	1	1	0	0	1	1
1.3	0	0	1	1	1	1
1.8 social	1	1	0	0	1	1
1.9c)	1	1	0	0	1	1
1.9o)	1	1	0	0	1	1
1.21	0	0	1	1	1	1
1.31	1	1	0	0	1	1
1.32	1	1	0	0	1	1

1.32a)	1	1	0	0	1	1
1.42	0	0	1	1	1	1
1.49	1	1	0	0	1	1
2.1	0	0	1	1	1	1
2.4b)	1	1	0	0	1	1
2.6 (P)LAC	1	1	0	0	1	1
2.10	1	1	0	0	1	1
2.12	0	0	1	1	1	1
2.13	0	0	1	1	1	1
2.16	1	1	0	0	1	1
2.23b)	1	1	0	0	1	1
3.6	1	1	0	0	1	1
SSFA 99	1	1	0	0	1	1
SSFA 110	1	1	0	0	1	1
SSFA 111	1	1	0	0	1	1
Regs 17	1	1	0	0	1	1
Regs Sch 2	1	1	0	0	1	1
DBE M '91	1	1	0	0	1	1

Code breaches not upheld - where we agree

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
1.47	8	7	2	2	10	9
14 fair	3	3	2	2	5	5
1.8 fair	3	3	2	2	5	5
14 clear	4	4	0	0	4	4
1.8 clear	4	4	0	0	4	4
1.37 cl/obj	4	4	0	0	4	4
2.14	4	4	0	0	4	4
1.9i)	4	2	0	0	4	2
1.9e)	3	3	0	0	3	3
1.38	0	0	3	1	3	1
1.6 ov.	1	1	1	1	2	2
1.8 tie-breaker	2	2	0	0	2	2
1.36	1	1	1	1	2	2
1.46	1	1	1	1	2	2
2.4 asks	1	1	1	1	2	2
2.8	1	1	1	1	2	2
1.5	1	1	0	0	1	1

1.6 SEN	0	0	1	1	1	1
1.7 (P)LAC	1	1	0	0	1	1
1.14	1	1	0	0	1	1
1.21	1	1	0	0	1	1
1.24	1	1	0	0	1	1
1.27	0	0	1	1	1	1
1.37 (P)LAC	1	1	0	0	1	1
1.45	1	1	0	0	1	1
3.6	1	1	0	0	1	1
1.47	8	7	2	2	10	9

Code breaches not upheld - where we disagree

Code paragraph	Survey schools (total: 44)		Other schools (total: 5)		All schools (total: 49)	
	Breaches	Schools in breach	Breaches	Schools in breach	Breaches	Schools in breach
1.9a)	14	14	1	1	15	15
14 clear	13	12	0	0	13	12
1.8 clear	13	12	0	0	13	12
1.37 cl/obj	13	13	0	0	13	13
1.46	9	9	1	1	10	10
14 fair	7	7	0	0	7	7
1.8 fair	7	7	0	0	7	7
1.6 SEN	4	3	1	1	5	4
2.4 asks	5	3	0	0	5	3
1.9e)	5	4	0	0	5	4
1.34	3	3	1	1	4	4
1.9b)	3	3	0	0	3	3
1.36	1	1	2	2	3	3
2.4e)	3	3	0	0	3	3
2.8	1	1	2	2	3	3
14 objective	2	2	0	0	2	2
1.6 ov.	0	0	2	2	2	2
1.8 objective	2	2	0	0	2	2
1.8 social	2	2	0	0	2	2
1.9l)	2	2	0	0	2	2
1.15	2	2	0	0	2	2
1.8 racial	1	1	0	0	1	1
1.9d)	1	1	0	0	1	1
1.14	0	0	1	1	1	1
1.24	1	1	0	0	1	1

1.28a)	1	1	0	0	1	1
1.44a)	1	1	0	0	1	1
2.4 comp SIF	1	1	0	0	1	1
2.14	1	1	0	0	1	1
EA gender	1	1	0	0	1	1
EA race	1	1	0	0	1	1

Annex B: Index of OSA determinations

Survey schools:

School	Local authority	Decision date	Link
All Saints Catholic School and Technology College	Barking and Dagenham	11/12/14	https://www.gov.uk/government/publications/all-saints-catholic-school
Bishop Douglass School Finchley	Barnet	13/01/15	https://www.gov.uk/government/publications/bishop-douglass-school
Hasmonean High School	Barnet	18/12/14	https://www.gov.uk/government/publications/hasmonean-high-school
JCoSS	Barnet	08/12/14	https://www.gov.uk/government/publications/jewish-community-secondary-school
St Andrew the Apostle Greek Orthodox School	Barnet	14/01/15	https://www.gov.uk/government/publications/st-andrew-the-apostle-greek-orthodox-school
St James' Catholic High School	Barnet	16/01/15	https://www.gov.uk/government/publications/st-james-catholic-high-school
Holy Trinity	Barnsley	22/10/14	https://www.gov.uk/government/publications/holy-trinity-school
Saint Gregory's Catholic College	Bath and North East Somerset	24/10/14	https://www.gov.uk/government/publications/saint-gregorys-catholic-college
St Gregory's Catholic Middle School	Bedford	15/12/14	https://www.gov.uk/government/publications/st-gregorys-catholic-middle-school
St Columba's Catholic Boys' School	Bexley	28/11/14	https://www.gov.uk/government/publications/st-columbas-catholic-boys-school
Trinity Church School, Belvedere	Bexley	27/11/14	https://www.gov.uk/government/publications/trinity-church-of-england-school
Bishop Walsh Catholic School	Birmingham	14/10/14	https://www.gov.uk/government/publications/bishop-walsh-catholic-school
Nishkam High School	Birmingham	11/02/15	https://www.gov.uk/government/publications/nishkam-high-school
St Paul's School for Girls	Birmingham	13/10/14	https://www.gov.uk/government/publications/st-pauls-school-for-girls
Our Lady and St John Catholic College	Blackburn with Darwen	21/10/14	https://www.gov.uk/government/publications/our-lady-and-st-john-catholic-college
St Wilfrid's Church Academy	Blackburn with Darwen	22/10/14	https://www.gov.uk/government/publications/st-wilfrids-church-of-england-academy
Tauheedul Islam Boys' High School	Blackburn with Darwen	30/01/15	https://www.gov.uk/government/publications/taulheedul-islam-boys-high-school

St George's School A Church Business & Enterprise College	Blackpool	10/10/14	https://www.gov.uk/government/publications/st-georges-school
St Mary's Catholic College	Blackpool	04/11/14	https://www.gov.uk/government/publications/st-marys-catholic-academy
Bolton Muslim Girls School	Bolton	08/01/15	https://www.gov.uk/government/publications/bolton-muslim-girls-school
Canon Slade CofE School	Bolton	11/04/14	https://www.gov.uk/government/publications/canon-slade-church-of-england-school
Rivington and Blackrod High School	Bolton	11/11/14	https://www.gov.uk/government/publications/rivington-and-blackrod-high-school
St James's Church High School	Bolton	22/08/13	https://www.gov.uk/government/publications/st-jamess-c-of-e-high-school
Thornleigh Salesian College	Bolton	13/10/14	https://www.gov.uk/government/publications/thornleigh-salesian-college
St Peter's Catholic Comprehensive School	Bournemouth	08/10/14	https://www.gov.uk/government/publications/st-peters-catholic-academy
The Bishop of Winchester Academy	Bournemouth	21/11/14	https://www.gov.uk/government/publications/the-bishop-of-winchester-academy
Bradford Academy	Bradford	07/11/14	https://www.gov.uk/government/publications/bradford-academy
Feversham College	Bradford	30/01/15	https://www.gov.uk/government/publications/feversham-college
Immanuel College	Bradford	30/10/14	https://www.gov.uk/government/publications/immanuel-college
The Holy Family Catholic School	Bradford	10/10/14	https://www.gov.uk/government/publications/the-holy-family-catholic-school
JFS	Brent	03/10/14	https://www.gov.uk/government/publications/jfs
Newman Catholic College	Brent	11/12/14	https://www.gov.uk/government/publications/newman-catholic-college
Cardinal Newman Catholic School	Brighton and Hove	28/11/14	https://www.gov.uk/government/publications/cardinal-newman-catholic-school
King's School	Brighton and Hove	28/11/14	https://www.gov.uk/government/publications/kings-school
Bristol Cathedral Choir School – first decision	City of Bristol	05/03/14	https://www.gov.uk/government/publications/bristol-cathedral-choir-school
Bristol Cathedral Choir School – second decision	City of Bristol	13/02/15	https://www.gov.uk/government/publications/bristol-cathedral-choir-school--2
St Bernadette Catholic Secondary School	City of Bristol	25/11/14	https://www.gov.uk/government/publications/st-bernadette-catholic-secondary-school
St Mary Redcliffe and Temple School	City of Bristol	13/02/15	https://www.gov.uk/government/publications/st-mary-redcliffe-and-temple-school
Bishop Justus CofE School	Bromley	06/11/14	https://www.gov.uk/government/publications/bishop-justus-church-of-england-school
Khalsa Secondary Academy	Buckinghamshire	11/02/15	https://www.gov.uk/government/publications/khalsa-secondary-academy

St Michael's Catholic School	Buckinghamshire	07/01/15	https://www.gov.uk/government/publications/st-michaels-catholic-school
Waddesdon Church School	Buckinghamshire	02/10/14	https://www.gov.uk/government/publications/waddesdon-church-of-england-school
Bury Church of England High School	Bury	25/09/14	https://www.gov.uk/government/publications/bury-church-of-england-high-school
Manchester Mesivta School	Bury	01/10/14	https://www.gov.uk/government/publications/manchester-mesivta-school
St Gabriel's RC High School	Bury	17/11/14	https://www.gov.uk/government/publications/st-gabriels-roman-catholic-high-school

Other schools:

School	Local authority	Decision date	Link
Yesodey Hatorah Senior Girls school	Hackney	08/12/14	https://www.gov.uk/government/publications/yesodey-hatorah-senior-girls-school
Sacred Heart High School	Hammersmith and Fulham	23/02/15	https://www.gov.uk/government/publications/sacred-heart-high-school
Cardinal Vaughan Memorial School	Kensington and Chelsea	24/02/15	https://www.gov.uk/government/publications/cardinal-vaughan-memorial-school
Bennett Memorial Diocesan School	Kent	03/12/14	https://www.gov.uk/government/publications/bennett-memorial-diocesan-school
King David High School	Manchester	15/12/14	https://www.gov.uk/government/publications/king-david-high-school

Annex C: Details of objections submitted

Barking and Dagenham

All Saints Catholic School and Technology College

School address: Terling Road, Wood Lane, Dagenham, Essex, RM8 1JT

Admission authority: The school

Link to the published arrangements: <http://www.allsaintsschool.co.uk/parents-visitors/about/admissions>

Details of objection:

- 1.8/1.37/14 (frequency of required religious practice in criteria 2-5 is not defined –paragraphs 43-44 of **this decision** suggest that it should be)
- 1.8/1.37/14 (criteria 11 is unfair as it is left to the priest’s discretion as to whether to sign the form)
- 1.9a) (the statement ‘You must fully accept and support the aims of All Saints Catholic School. You must also want your child to receive a Catholic education.’)
- 1.34 (not set out how the random allocation is operated)
- 2.4 (priest’s reference form asks for names of both parents, details of holy communion, ‘Why do you wish your child to attend a Catholic school?’)
- 2.4/1.8/1.37/14 (the priest’s reference form asks for details of length and frequency of mass attendance despite it not being clear how this is used to rank applicants. It also asks ‘If you do not attend Mass regularly, you may wish to give reasons below. Please also give any other details which may be relevant or useful.’ Again it is not clear how this information is judged)
- 1.8/1.9e/1.9i/2.4/etc (the priest’s reference form asks ‘If you or your child participate or contribute to parish activities, you may wish to indicate below.’)
- 2.4e) (both parents asked to sign the priest’s reference form)
- 2.4 (SIF asks about child’s gender)

Barnet

Bishop Douglass School Finchley

School address: Hamilton Road, East Finchley, London, N2 0SQ

Admission authority: The school

Link to the published arrangements: <http://www.bishpouglass.barnet.sch.uk/Admission-2014-15>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken. The rest of the complaint is therefore about the 2014 policy
- 1.9e) ('All applicants and candidates are expected to give their full and positive support to the aims and ethos of the school.')
- 1.8/14/1.37 (criteria 3-5 – the SIF asks for 'Minister or Faith Leader's Declaration of Support' but the criteria do not suggest that this is a requirement)
- 1.6/1.36/2.8 (oversubscription criteria do not make clear that if there are less than 120 foundation applicants then additional places will be allocated to the open criteria. They also don't make clear that if there are more than 120 applicants then those who apply for a foundation place will be considered under the open criteria)
- 1.45 (process and independence of random allocation not made clear)
- 1.6 (not made clear that statemented children always get first priority)
- 2.4 (all applicants told they should complete the SIF even if applying under the lowest criteria)

Hasmonean High School

School address: Holders Hill Road, Hendon, London, NW4 1NA

Admission authority: The school

Link to the published arrangements: <http://www.hasmonean.co.uk/information/admissions/>

Details of objection:

- 1.9e)/1.9i)/1.8/14/1.37 (definition B – 'active participation in an Orthodox synagogue' is not defined)
- 1.9b) (criteria 2-8 give priority to 'pupils from Orthodox Jewish Primary schools' without naming the schools)
- We question whether criteria 4 is fair, as required by paragraphs 1.8/14
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)
- 2.4 (SIF/rabbi reference form ask for pupil's gender, details of both parents/carers (not just one))
- 1.9a) (SIF says 'Governors... expect parents to give their full support to its [the school's] distinctive orthodox Jewish practices.)
- 2.4e) (SIF asks both parents/guardians to sign the form (not just one))
- 2.4a) (rabbi reference form asks for details of all siblings and asks rabbis to 'Please initial here to confirm that you have seen a copy of the parents' ketubah')
- 2.4/1.9a) (rabbi reference form asks questions such as 'How long have you known this family?' and 'In what capacity do you know this family?', that are not mentioned in the oversubscription criteria)

JCoSS

School address: Castle Wood Road, New Barnet, Hertfordshire, EN4 9GE

Admission authority: The school

Link to the published arrangements: <http://www.jcoss.org/admissions-2015-1/>

Details of objection:

- 1.47/2.14 (2014 admissions policy no longer on website)
- 1.6 (does not indicate anywhere that children with an SEN statement will always be admitted)
- 1.9e) (criteria 1 – synagogues require individuals to make financial contributions for membership. Typically this can be waived but only for those on low incomes, so those not on low incomes are required to make a financial contribution)
- 1.9b) (criteria 1 – ‘documentary evidence of a child’s engagement in formal Jewish education’)
- 1.9i) (criteria 1 – requirement for formal Jewish education other than at primary schools takes into account children’s activities)
- 1.8/14/1.9e)/1.9i) (criteria 1 – documentary evidence of a parent/ carer or child’s involvement in a
- volunteer capacity in any Jewish communal, charitable or welfare activity in the last 2 years.)
- 1.8/14/1.37 (second criteria – level of commitment required to get religious leader’s approval not specified)
- 2.4 (all parents told they should complete the SIF even if applying under the lowest criteria)
- 2.4 (SIF asks ‘Is your child residing in accommodation provided for them by a Jewish care home or a care organisation?’ It is not clear from the oversubscription criteria how this is relevant)

St Andrew the Apostle Greek Orthodox School

School address: North London Business Park, London, N11 1NP

Admission authority: The school

Link to the published arrangements: <http://www.standrewtheapostle.org.uk/admissions.php>

Details of objection:

- 1.47/2.14 (2014 admissions policy no longer on website)
- 1.34 (not set out how the random allocation procedures are fair)
- 2.4 (SIF asks about child’s gender)
- 1.8/1.37/14 (frequency of required religious practice in criteria 2-5 is not defined –paragraphs 43-44 of **this decision** suggest that it should be)
- 1.8/1.37/14 (how the faith criterion are applied is not specified, e.g. what is done with the information on baptism and two year regular attendance? If someone has been baptised but not attended regularly do they not meet the criteria or do they meet a lower faith criteria?)

St James' Catholic High School

School address: Great Strand, Colindale, London, NW9 5PE

Admission authority: The school

Link to the published arrangements: <http://www.st-james.barnet.sch.uk/81/admissions-policy/> / http://www.barnet.gov.uk/downloads/download/280/school_admissions_-_supplementary_forms/ / http://www.rcdow.org.uk/education/default.asp?library_ref=8&content_ref=3041

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken. The rest of the complaint is therefore about the 2014 policy
- 1.47 (SIF and priest's reference form are not on the school's website. The priest's reference form might contain further Code breaches)
- 1.9a) ('It is essential that the Catholic character of the school's education is fully supported by all families in the school. All applicants are therefore expected to give their full, unreserved and positive support for the aims and ethos of the school.')
- 1.6 (not made clear that statemented children always get first priority)
- 1.8/14/1.37 (criterion 2/3 – frequency/duration of required practice not specified)
- 2.4 (SIF asks child's gender, both parents'/carers' details (not just one), assumes parents are of opposite genders)
- 2.4e) (SIF and Priest's Reference Form ask for three parent/carer signatures)
- 2.4 (Priest's Reference Form asks for details of both parents/carers (not just one), including frequency/duration of mass attendance, and for child's gender)

Barnsley

Holy Trinity

School address: Carlton Road, Barnsley, South Yorkshire, S71 2LF

Admission authority: The school

Link to the published arrangements: <http://holytrinitybarnsley.org/about-us/policies/>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken. The rest of the complaint is therefore about the 2014 policy
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)
- 1.8/14/1.37 (criteria 2 – only refers to baptised Catholics but then footnote 2 also talks about Catechumens and Candidates for Reception. Are the latter also admitted?)

- 1.8/14/1.37 (criteria 5/6 – ‘practising’ and ‘active’ are not defined and left up to the priest to decide)
- 1.9e) (SIF says ‘In preparing a testimonial for a child we should like to know such things as how often
- the child participates in services, in what way the child and / or the family participates’ and asks ‘To what extent is this child involved in the life of your Church?’ which opens the way for taking account of practical support beyond simply religious worship)

Bath and North East Somerset

Saint Gregory’s Catholic College

School address: Combe Hay Lane, Odd Down, Bath, Somerset, BA2 8PA

Admission authority: The school

Link to the published arrangements: <http://www.st-gregorys.org.uk/useful-information/key-documents/>

Details of objection:

- either 1.46 (final admissions policy for 2015 not decided yet) or 1.47 (final admissions policy for 2015 not published yet) being broken. The rest of the complaint is therefore about the draft 2015 policy
- 1.47 (2015 SIF also not published). The rest of the complaint therefore refers to the 2014 SIF
- 2.4 (‘parents/carers should complete an ‘Additional Information Form’ – even if they are applying for the lowest category?)
- 1.7 (admissions policy does not make clear that any statements naming the school get automatic entry)
- 1.8/14 (criteria 6.6 – gives preference to children who have two parents who are members/adherents of a faith over those with just one)
- 1.8/14/1.37 (criteria 6.6 – doesn’t specify how many years the worship must be for)
- 2.4 (SIF asks for pupil’s gender, details for both parents/carers (not just one))
- 1.9a) (SIF requires signee to ‘agree to abide by the college’s rules and Conditions’)
- 1.8/14 (how aptitude is measured is not well defined)

Bedford

St Gregory's Catholic Middle School

School address: Biddenham Turn, Bedford, Bedfordshire, MK40 4AT

Admission authority: The school

Link to the published arrangements: <http://www.st-gregorys.beds.sch.uk/admissions>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken. The rest of the complaint is therefore about the 2014 policy
- 1.47 (SIF not on website. May contain additional Code breaches)
- 1.8/14 (unclear what is meant by 'Save when the naming of a mainstream school is unreasonable' on the SEN part)
- 1.8/14/1.37 (criteria 3/4 – practising not defined)
- 1.8/14 (criteria 3/4 – 'practising families' implies both parents/carers practising which is unfair on those who only have one religious parent/carer)
- 1.8/14/1.37 (criteria 2/9/10 – no objective criteria for gaining ministerial support)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)

Bexley

St Columba's Catholic Boys' School

School address: Halcot Avenue, Bexleyheath, Kent, DA6 7QB

Admission authority: The school

Link to the published arrangements: <http://st-columbas.bexley.sch.uk/information/admissions>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken. The rest of the complaint is therefore about the 2014 policy
- 2.4 ('The Governors will require parents to complete a supplementary form and return this to the school by the Friday 21 October 2013.' – but SIF not required for those applying under the lowest category)
- 1.7/1.37 (criteria 2.1 – does not give priority to baptised formerly looked-after Catholics who are not in the care of Catholic families)
- 1.8/14/1.37 (criteria 2.2/2.4 – 'regularly', 'occasionally', etc. not defined in the admission arrangements, SIF asks 'Does the Family attend

Mass at least 3 out of 4 Sundays?’ which doesn’t match up either, nor is there a definition anywhere of how long worship is expected to have occurred for)

- 1.8/14/1.37 (criteria 2.6 – no set criteria for what constitutes being a member of a faith community. The burdens are likely to be different for different faiths and for Jewish people membership of a synagogue typically entails financial support for that synagogue)
- 1.6 (no mention of statemented children)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)
- 2.4 (SIF asks for details of both parents, labels them ‘mother’ and ‘father’)

Trinity Church of England School, Belvedere

School address: Erith Road, Belvedere, Kent, DA17 6HT

Admission authority: The school

Link to the published arrangements: <http://www.trinity.bexley.sch.uk/page/?title=ADMISSIONS&pid=56>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken. The rest of the complaint is therefore about the 2014 policy
- 1.9a) (‘All parents/guardians applying for places for their children at Trinity School are expected to respect the Christian ethos of the school’)
- 1.6 (statemented children not given priority)
- 1.7/1.37 (looked-after/previously looked-after children of the faith not given priority over criteria 1)
- 1.7 (previously looked-after children not given priority over criteria 2-6)
- 1.37/14/1.8 (criteria 1-2 – not defined for how many years the child must have been worshipping)
- 1.37/14/1.8 (criteria 3 – ‘practising’ is not defined)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)
- 2.4 (SIF compulsory even for those not applying under a faith criterion)
- 2.4 (SIF asks for pupil’s gender, present school; asks for both parents’/guardians’ details, assumes parents are of opposite genders)

Birmingham

Al- Hijrah School

School address: Cherrywood Centre, Bordesley Green, Burbidge Road, Birmingham, West Midlands, B9 4US

Admission authority: The school

Link to the published arrangements: <http://alhijrahschool.co.uk/admissions.html>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken. The rest of the complaint is therefore about the 2014 policy
- 1.8/14/1.37 (the oversubscription criteria does not make clear what is meant by 'practising the Islamic faith')
- 2.4 (SIF asks for child's gender. It also asks for details of both mother and father and assumes the parents are of opposite genders)
- 1.9a) (parents are asked, when signing the SIF, to 'undertake to fulfil all the requirements of my child's (named overleaf) agreed study programme and all the School regulations.')
- 1.9e)/1.8/14 (the Religious Commitment Form asks 'Do you make your mandatory charitable contribution Zakah?' and 'Have you performed the Hajj (pilgrimage)?')
- 1.8/14/1.37 (the Supplementary Reference Form asks 'I know the applicant to be a committed Muslim'. It is not clear how this is to be judged in addition to the requirements in the Religious Commitment Form – which the imam is asked about in the following question)
- 1.8/14/1.37 (the Supplementary Reference Form must be completed by the imam of the applicant's local mosque which is not necessarily the one they worship at)
- 1.6/1.36/2.8 (the Supplementary Reference Form says 'Admission to Al-Hijrah School is confined to children of parents who are able to demonstrate adherence and commitment to the Islamic faith.' when in fact such children only get priority)

Bishop Walsh Catholic School

School address: Wylde Green Road, Sutton Coldfield, West Midlands, B76 1QT

Admission authority: The school

Link to the published arrangements: <http://www.bishopwalsh.bham.sch.uk/showpage.asp?page=40&show=y>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken. The rest of the complaint is therefore about the 2014 policy
- 1.47 (SIF not on school website – may contain further Code breaches)

- 1.9a) ('The ethos of this school is Catholic. The school was founded by the Catholic Church to provide education for children of Catholic families. The school is conducted by its governing body as part of the Catholic Church in accordance with its Trust Deed and Instrument of Government and seeks at all times to be a witness to Jesus Christ. We ask all parents applying for a place here to respect this ethos and its importance to the school community.')
- 1.8/14/1.37 (criteria 2-5 – unclear what frequency/duration of worship is required to gain priest's approval)
- 1.8/14 (distance is measured from the front door of Holy Trinity Catholic Church, Sutton Coldfield, and not from some point in the school. The Church is 1.8 miles from the school)

Nishkam High School

School address: Great King Street North, Birmingham, West Midlands, B19 2LF

Admission authority: The school

Link to the published arrangements: <http://www.nishkamschooltrust.org/parents-high/admissions-high/>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken. The rest of the complaint is therefore about the 2014 policy
- 2.4 (all applicants required to complete the SIF even if not applying for a faith-based place)
- 1.8/14 (in the first bullet point, presumably it should say 'up to 50% of places' will be offered under the faith-based criteria, and that the 'remaining places' will be offered under the open criteria. Ditto in the Open Places section)
- 1.9b) (criteria B of both faith-based/open places – mentions 'named feeder school's but doesn't actually name them)
- 1.37 (the faith-based criteria imply that looked-after children are assessed against the religious practice criterion. But all children of the faith must be admitted as first priority, not just those that meet the highest criteria)
- 1.8/14 (both parents required to be religiously practising and guardians not mentioned. Unfair on those children with guardians or just one parent)
- 1.9i) ('My child is nurtured in the faith through home or Gurdwara education')
- 1.35 (independence and process of random selection not specified)
- 2.4 (SIF asks about child's gender)

St Paul's School for Girls

School address: Vernon Road, Edgbaston, Birmingham, West Midlands, B16 9SL

Admission authority: The school

Link to the published arrangements: http://www.stpaulgl.bham.sch.uk/page_viewer.asp?page=About+the+School&pid=2

Details of objection:

- 1.9a) ('The ethos of the school is Catholic. The school was founded by the Sisters of Charity of St. Paul the Apostle to provide education for girls of Catholic families. The school is conducted by its governing body as part of the Catholic Church in accordance with its Trust Deed and Instrument of Government and seeks at all times to be a witness to Jesus Christ. We ask all parents applying for a place here to respect this ethos and its importance to the school community.')
- 1.8/14 (criteria 2 – 'Family attending Sunday Mass refers to: Both parents; Mother; Father; A grandparent.' Could parents alternate? Does this disadvantage children with just one parent, or whose Catholic grandparents have died?)
- 1.8/14/1.37 (criteria 2 – frequency/duration of religious practice attendance not stated)
- 2.4 (SIF asks whether attendance is 'Weekly' or 'Other please specify' but the consequences of these two options is not made clear)

Blackburn with Darwen

Our Lady and St John Catholic College

School address: North Road, Blackburn, Lancashire, BB1 1PY

Admission authority: The school

Link to the published arrangements: <http://www.olsj.blackburn.sch.uk/> // <https://www.blackburn.gov.uk/Lists/DownloadableDocuments/SecondarySchoolBooklet.pdf>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken. The rest of the complaint is therefore about the 2014 policy
- 1.47/2.14 (2014 admissions policy no longer on website)
- 1.7 ('Our Lady & St John is additionally resourced to offer no more than five places, in any one year group, to children with a diagnosis of autism, provided that the number on roll does not exceed fifteen in total.' – but what if there are more than that many applicants with statements and with autism?)
- 1.9b) (criteria g – feeder schools not named – 'other Primary Schools' should be treated as feeder schools and not as a catch-all for all pupils not in the named Catholic schools because these children get priority over those who are home-schooled)
- 2.4a) (criteria k – does this require the baptismal certificate to be provided? If so, could reveal maiden names)

St Wilfrid's Church Academy

School address: Duckworth Street, Blackburn, Lancashire, BB2 2JR

Admission authority: The school

Link to the published arrangements: <http://www.saintwilfrids.co.uk/pages/169/admissions.asp>

Details of objection:

- 1.8/14 (category 2-8 – ambiguous phrasing suggesting both parents are required to 'show evidence of being active members' which penalises those where just one parent worships)
- 1.8/14/1.37 (category 10 – active membership not defined)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)
- 2.4 (the SIF asks for the child's gender)
- 2.4 (priests can sign to support applications under category 11)

Tauheedul Islam Boys' High School

School address: Robinson Street, Little Harwood, Blackburn, Lancashire, BB1 5PE

Admission authority: The school

Link to the published arrangements: <http://www.tibhs.com/aboutusprospectusandadmissions>

Details of objection:

- 1.47/2.14 (2014 admissions policy not on website)
- 1.8 (criteria 2/3 – both parents/carers must be members of the mosque, disadvantaging those with a single parent)

Blackpool

St George's School A Church of England Business & Enterprise College

School address: Cherry Tree Road, Marton, Blackpool, Lancashire, FY4 4PH

Admission authority: The school

Link to the published arrangements: <http://stgeorgesblackpool.com/policy/admissions/>

Details of objection:

- 1.47 (SIF not on school website. May contain further Code breaches)
- 1.9a) ('the Governors have an expectation that all pupils will attend religious education lessons and take part in the Christian worship of the Academy:')
- 1.9b) (criteria 3 – unnamed feeder schools)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)
- 1.8/14/1.37 (criteria (i) and (ii) and the image at <http://stgeorgesblackpool.com/policy/admissions/> suggest only people at certain churches can get foundation places but criteria 4 talks about non-Christian faiths)

St Mary's Catholic College

School address: St Walburga's Road, Blackpool, Lancashire, FY3 7EQ

Admission authority: The school

Link to the published arrangements: <http://www.st-mary.blackpool.sch.uk/images/stories/misc/pdfs/SMCCAdditionalInfo.pdf>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken. The rest of the complaint is therefore about the 2014 policy
- 1.47 (SIF not on website – may contain further Code breaches)
- 1.9b) (criteria 4/5/10/11/12/15/16/17 – feeder schools not named)
- 1.6/1.36/2.8 (does not allow home-schooled children to gain entry)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)
- 1.8/14 (criteria 1-5 just say 'Catholics' but the footnote at * suggests that baptised Catholics/Catholics on a course leading to baptism is what is meant)
- 1.8/14/1.37 (criteria 8-12 – what practise is sufficient to constitute 'active membership of a Faith Community' is not defined)
- 1.8/14 ('A child who, with his or her family' penalises those children who only have one of two parents/carers enrolled in a recognised course of preparation leading to Catholic baptism)

Bolton

Bolton Muslim Girls School

School address: Swan Lane, Bolton, Lancashire, BL3 6TQ

Admission authority: The school

Link to the published arrangements: <http://www.bmgs.bolton.sch.uk/admissions/10589.html>

Details of objection:

- 1.47/2.14 (2014 admissions policy not on website)
- We invite the adjudicator to consider whether a school that is simply legally designated with a religious character of Islam can give priority to mosques attached to one particular school of thought (in this case, Deobandi Hanafi)
- 1.9a) ('We ask all parents applying for a place here to respect this ethos and its importance to the school community.')
- 1.8/14/1.37 (the oversubscription criteria are extremely unclear in not being clearly delineated, numbered, ordered, etc.)
- 1.9i) (attendance at Madrassahs taken into account)
- 1.6/1.36/2.8 (does not allow children of no faith to gain admittance even if undersubscribed)
- Does membership of a mosque require financial contributions?

- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)
- 1.8/14 (the SIF available at http://www.bmgs.bolton.sch.uk/force_download.cfm?id=1726 specifies that applications must be completed by 3.45 pm on 31 October but the SIF at http://www.bmgs.bolton.sch.uk/force_download.cfm?id=1690 does not specify this time)
- 2.4 (the SIF asks ‘Has your child a Statement of Special Educational Needs from the Local Authority?’)

Rivington and Blackrod High School

School address: Rivington Lane, Horwich, Bolton, Lancashire, BL6 7RU

Admission authority: The local authority

Link to the published arrangements: <http://www.rbhs.co.uk/pages/about-us/admissions/> / <http://www.bolton.gov.uk/sites/DocumentCentre/Documents/Rivington%20and%20Blackrod%20supplementary%20form%202014.doc>

Details of objection:

- 1.47/2.14 (admissions policy on website undated – not clear if this is 2014 or 2015 policy)
- 1.47 (SIF not on website)
- 1.8/14/1.37 (oversubscription criteria do not define what is ‘commitment to the Christian Faith’)
- The admission arrangements say ‘Special arrangements are in place for students to be part of the Performance Tennis Programme. In such cases students are admitted by arrangement with the Head Teacher following recommendation by Bolton Arena Tennis Academy. Such students are admitted above the published admission number for each year group.’ We invite the adjudicator to consider whether such admissions above the PAN are acceptable, given 1.5/3.6, and also how this fits in to the prohibition on selection by ability (1.21) or aptitude (1.24) and the general requirements for clarity (1.8/14)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)

Thornleigh Salesian College

School address: Sharples Park, Astley Bridge, Bolton, Lancashire, BL1 6PQ

Admission authority: The school

Link to the published arrangements: http://www.thornleigh.bolton.sch.uk/?page_id=1362

Details of objection:

- 1.9b) (criteria c/e/f/g/h/j – feeder schools not named – ‘non-Roman Catholic primary schools’ should be treated as feeder schools and not as a catch-all for all pupils not in Catholic schools because these children get priority over those who are home-schooled)
- 1.6 (no reference is made to statemented children)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)

Bournemouth

St Peter's Catholic Comprehensive School

School address: St Catherine's Road, Bournemouth, Dorset, BH6 4AH

Admission authority: The school

Link to the published arrangements: <http://st-peters.bournemouth.sch.uk/about/admissions/>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken. The rest of the complaint is therefore about the 2014 policy
- 1.9a) ('We ask all Parent(s)/Carer(s) applying for a place here to respect our Catholic ethos and its importance to our School Community.')
- 1.8/14/1.37 (primary criteria 5 – 'practising' not defined)
- 1.8/14/1.37 (primary criteria 1/2/3 – number of years of required practice not specified)
- 1.8/14 (primary criteria 1/2/3 – (a)iii in saying 'or not at all' is indistinguishable from (b))
- 1.8/14 (primary criteria 1/2/3/5 – whole family required to be practising, which discriminates against families where only one parent is Catholic)
- 1.13 (secondary – precise home and school locations not specified)
- 1.45 (secondary – process and independence of random allocation not specified)

The Bishop of Winchester Academy

School address: Mallard Road, Bournemouth, Dorset, BH8 9PW

Admission authority: The school

Link to the published arrangements: <http://www.tbowa.org/the-academy/admissions/>

Details of objection:

- 1.8/14 (criteria 3 – implies both parents/carers are required to demonstrate commitment, which is unfair on those who just have one parent who is religious. This is contradicted by the 'Religious Commitment' definition and SIF which specify just one)
- 1.8/14/1.37 ('regularly involved in a weekday Christian church activity including an element of worship' – doesn't specify how regular)
- 1.9a) ('The Academy's Christian ethos is as much at the heart of the 6th form as elsewhere in the Academy and Students will be expected to acknowledge and respect this and its importance to the Academy community.')

Bradford

Bradford Academy

School address: Teasdale Street, Bradford, West Yorkshire, BD4 7QJ

Admission authority: The school

Link to the published arrangements: <http://www.bradfordacademy.co.uk/years-7-to-11/admissions/> / <http://www.bradfordacademy.co.uk/nursery-to-year-6/admissions/>

Details of objection:

- 1.39 (criteria 3 – all children of staff at the school get priority, not just those meeting 1.39a)-b)
- 1.8/14/1.37 (criteria 5 – ‘where governors agree that a place should be offered on these grounds’ – not clear when this might be)
- 1.9b) (secondary criteria 5.b – does not name feeder schools)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)
- 2.4 (SIF asks for child’s gender)
- 1.8/14/1.37 (criteria 5 – religious attendance must be twice a month but for how many years?)
- 1.8/14/1.37 (criteria 5 – the ‘child’s family’ must attend Church – which may be interpreted by some to mean both parents/carers and not just one)
- 2.4 (SIF asks ‘Is the family involved in any other way in the life of the religious community?’ and also asks priest whether the child/family member attends worship weekly, not just fortnightly)

Feversham College

School address: Cliffe Road, Undercliffe, Bradford, West Yorkshire, BD3 0LT

Admission authority: The school

Link to the published arrangements: <http://www.fevershamcollege.com/admissions.php> / http://www.fevershamcollege.com/documents/Parents_AdmissionPolicy_2014.pdf

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet). The rest of the complaint is therefore about the 2014 policy
- 1.47 (SIF not on school’s website)
- 1.6/1.36/2.8 (the admissions policy says ‘it is intended that the Directors of the Academy will make an arrangement with the local Education Authority under Section 413 of the Education Act 1996 to admit a maximum of 10% of non-Muslim students if the College is under-subscribed.’ But if the school is more than 10% undersubscribed with Muslim students then it must admit non-Muslim students up to its PAN)
- 1.35 (the process/independence of the random allocation is not specified)

Immanuel College

School address: Leeds Road, Idle, Bradford, West Yorkshire, BD10 9AQ

Admission authority: The school

Link to the published arrangements: <http://www.immanuelcollege.net/wp-content/uploads/2013/10/2013-14-Prospectus.pdf>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet). The rest of the complaint is therefore about the 2014 policy
- 1.47/2.14 (2014 admissions policy no longer accessible on website – found in the prospectus which is not linked to anywhere)
- 1.47 (a Supplementary Information Form and Minister’s Confidential Reference Form not available; may contain further Code breaches)
- 1.7 (formerly looked-after children not given priority alongside looked-after children)
- 1.8/14/1.37 (priority 1-3 – do not specify number of years worship is required)
- 1.9b) (priority 3 – gives preference to unnamed feeder schools)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)

The Holy Family Catholic School

School address: Spring Gardens Lane, Keighley, West Yorkshire, BD20 6LH

Admission authority: The school

Link to the published arrangements: http://www.holyfamily.ngfl.ac.uk/index.php?option=com_rubberdoc&view=doc&id=70&format=raw&Itemid=235

Details of objection:

- 1.47/2.14 (2014 admissions policy no longer on website)
- 1.9a) ('By applying to this school parents, or carers, are declaring their support for the aims and ethos of the school.')
- 2.4a) (criteria 6 – could reveal maiden names)
- 1.8/14/1.37 (criteria 8 – no objective criteria for what merits support from a faith leader)
- 1.6 (not made clear that statemented pupils always gain admission)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)
- 2.4 (SIF asks for child’s gender)

Brent

JFS

School address: The Mall, Kenton, Harrow, HA3 9TE

Admission authority: The school

Link to the published arrangements: <http://www.jfs.brent.sch.uk/admissions/admissions-year-7>

Details of objection:

- 1.47/2.14 (2014 admissions policy no longer on website)
- 1.8/1.37/14 (religious practice test not defined in oversubscription criteria)
- 2.4 (supplementary form asks child's gender)
- 2.4e) (supplementary form asks (albeit does not require) both parents to sign)
- 1.9b) (CRP asks 'Has your child been engaged in formal Jewish education (either provided at a Jewish primary school (not a nursery) or at a Cheder, or equivalent, or a tutor) for at least 2 years?')
- 1.9i) (requirement for formal Jewish education other than at primary schools takes into account children's activities)
- 1.8/14/1.9e)/1.9i) (CRP asks 'Within the last 2 years have you and/or your child acted in an unpaid voluntary capacity in any Jewish communal, Jewish charitable or Jewish welfare activity?')

Newman Catholic College

School address: Harlesden Road, London, NW10 3RN

Admission authority: The school

Link to the published arrangements: <http://www.ncc.brent.sch.uk/policies.html/>
http://www.rcdow.org.uk/education/default.asp?library_ref=8&content_ref=3041

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet). The rest of the complaint is therefore about the 2014 policy
- 1.9a) ('It is essential that the Catholic character of the school's education is fully supported by all the families in the school. All applicants and candidates are therefore expected to give their full, unreserved and positive support for the aims and ethos of the school.')
- 1.8/14/1.37 (criteria 2/6 – regularity/duration of practice required not specified in admission arrangements)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)
- 2.4 ('parents should complete a Diocesan Supplementary Information Form (SIF) which is available from Newman Catholic College and must be returned to the school.' – even if they are applying under the lowest criteria?)

- 2.4 (Priest's Reference Form asks for details of both parents, including frequency/duration of mass attendance, and for child's gender)
- 2.4e) (Priest's Reference Form asks for three parent/carer signatures)
- 2.4/2.4e) (presumably the additional student data sheet is intended to be filled in once an applicant has been accepted for a place? This isn't made clear. It asks about previous schools attended, details of both parents/carers, child's country of origin, home language, medical details)

Brighton and Hove

Cardinal Newman Catholic School

School address: The Upper Drive, Hove, East Sussex, BN3 6ND

Admission authority: The school

Link to the published arrangements: <http://cardinalnewman.fluencycms.co.uk/admissions>

Details of objection:

- 1.47/2.14 (2014 admissions policy no longer on website)
- 1.9a) ('The governors expect that parents applying for places for their children will accept and uphold the Catholic character and ethos of the school' and 'the Governing Body welcomes applications from those of other denominations and faiths who support the religious ethos of the school.')
- 1.8/14 (the admission arrangements make clear the SIF is not mandatory but then the SIF says 'To be completed by ALL parents or carers')
- 1.8/14 (criteria 6/7 – requirement for baptism or dedication is unfair on some Christian groups like Quakers which do neither)
- 2.4 (SIF asks for gender of child, name of both parents/carers and assumes the parents/carers are of an opposite gender)
- 1.8/14/1.37 (priority i/ii – number of years required to worship not specified)
- 2.4 (SIF asks 'How long have you/your child worshipped there?' with the answer to be in years but not clear from oversubscription criteria that this information is used. Also the oversubscription criteria suggest only the child or the parent/carer must attend worship but the SIF is ambiguous)

King's School

School address: High Street, Portslade, Brighton, East Sussex, BN41 2PG

Admission authority: The school

Link to the published arrangements: <http://www.kingsschoolhove.org.uk/admissions.php>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet). The rest of the complaint is therefore about the 2014 policy
- 1.8/14/1.37 ('regular' attendance not defined in oversubscription criteria)
- 2.4 (SIF asks for child's gender and for both parents'/carers' details)

Bristol

Bristol Cathedral Choir School

School address: College Square, Bristol, BS1 5TS

Admission authority: The school

Link to the published arrangements: <http://www.bccs.bristol.sch.uk/Home/Prospectus/Admissions/Admissions-Arrangements>

Details of objection:

- 1.9e) (criteria b – gives preference on the basis of practical support given to the church. We would argue that parents are giving practical support by allowing their children to take part in the choir)
- 14/1.8 (criteria b – we think it is unfair/not reasonable to give priority to children who are choristers, something that some children will plainly not have the time, means or parental support to be, or may not have the ability to pass the audition or make satisfactory progress⁴⁴)
- 1.9d) (criteria b – as 'To become a Probationer, children must first pass an audition' and 'Probationers must make satisfactory progress, as judged by the Cathedral Director of Music.'⁴⁵)
- We would also invite the adjudicator to consider whether criteria b is permitted under 1.9i). We have not seen the diocesan guidance so don't know if it has an exemption for these places
- 1.9f) (criteria g – children of staff at Cathedral Primary School, legally a separate school, are given priority)
- 2.4 (SIF asks for child's gender, primary school)

We are aware that the OSA issued a determination against this school on 5 March and that this included looking at criteria b. However this was a referral so a fresh objection within two years is permitted; and that decision did not look at criteria b in the ways we are alleging it breaks the Code.

St Bernadette Catholic Secondary School

School address: Fossedale Avenue, Whitchurch, Bristol, BS14 9LS

Admission authority: The school

Link to the published arrangements: <http://frog.stberns.bristol.sch.uk/index.phtml?d=957673>

44. As specified at <http://www.bccs.bristol.sch.uk/Home/Prospectus/Choir-School/Becoming-a-Chorister>

45. Ibid.

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet). The rest of the complaint is therefore about the 2014 policy
- 1.7/1.37 (criteria 4.1 and 4.5 – no priority given to previously looked-after children)
- 14/1.37/1.8 (criteria 4.7 and the paragraph headed ‘Over-Subscription’ – don’t specify how children will be ranked, just that they will be ranked on faith commitment. The SIF asks about holy communion/first confirmation – neither of which are mentioned in the oversubscription criteria. Similarly asks ‘How long have you known the applicant?’ and ‘I offer the following comments to indicate the faith commitment of the above child’ without a precise indication of objective criteria that lead to priority being given)
- 1.9b) (paragraph headed ‘Over-Subscription’ – feeder schools are not named, just parishes)
- 2.4 (the statement ‘All Parents are asked to complete the appropriate sections of the faith form from the School with extra information where relevant.’ implies everyone must complete the SIF. SIF also has a section ‘To be completed by all applicants’. What about those not applying on the basis of faith?)
- 14/1.8 (the criteria are generally confusing in having a separate ‘Over-Subscription’ paragraph that is not integrated with the wider admissions policy)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)
- 2.4 (asks for details of both parents/carers)

St Mary Redcliffe and Temple School

School address: Somerset Square, Bristol, BS1 6RT

Admission authority: The school

Link to the published arrangements: <http://www.smrt.bristol.sch.uk/index.php/admissions>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet). The rest of the complaint is therefore about the 2014 policy
- 1.47 (the school’s sixth form admission policy is not on its website)
- 2.4 (the statement on page 1 of the admission arrangements do not make clear that those not applying under a faith criterion should not complete the SIF, and the website says ‘In addition to applying to your Local Authority you must complete our School Supplementary Form.’ The guidance notes also presume that the SIF will be completed/ applicants will be applying under a faith criteria)
- 1.8/14 (the oversubscription criteria are generally a bit unclear in having ‘Admission Criteria’ then ‘Oversubscription Criteria’ then

‘Notes’ with all three needing to be read in conjunction to get a full understanding of the order of priority)

- 1.6/1.8/14 (criterion A implies that stated children are admitted as part of the oversubscription criteria and not through a separate process)
- 1.6/1.36/2.8 (criteria B and C do not make clear that *up to* 16 and 4 places will be allocated – if there are insufficient applicants then fewer than 16 and 4 will be)
- 1.8/14 (criterion C – it is ambiguous whether this criterion includes Baha’i, Jains, Zoroastrians, pagans and so on. And what about Christians whose church is not a member of Churches Together in England or the Evangelical Alliance?)
- 1.37 (criteria B/C – the Code says ‘Where any element of priority is given in relation to children not of the faith they must give priority to looked-after children and previously looked-after children not of the faith above other children not of the faith.’ But only *some* looked-after/ previously looked-after children not of the faith are given priority, namely those who live within 500m or are of other faiths – and only up to a certain number of places. We find it a bit ambiguous as to whether this is consistent with the Code or if the Code requires all looked-after/ previously looked-after children not of the faith to be treated equally and would appreciate the adjudicator’s advice on this front)
- 1.8 (we believe that the school’s religious selection criteria causes socio-economic selection – see separate briefing paper)
- 1.8 (there is no tie-breaker for two children living the same distance from the school)
- 1.8/1.37/14 (criteria D1-3 – the statement ‘The Parent/Carer and/or child is a member of Group 1 if they are very regular worshippers. This means attending Church three or more times a month for a minimum of the last three years.’ Is ambiguous. If the parent/carer worships this many times but the child does not worship quite this many times, does the parent/carer get placed in group 1 but the child does not? Presumably what is meant is that ‘The applicant is a member of Group 1 if the parent/carer or child is a very regular worshiper.’ But it is possible to read the statement as requiring both parties to worship regularly)
- 2.4 (the SIF asks for gender, name of present school, and details for both parents/carers. It also asks for two religious representatives to sign)

Bromley

Bishop Justus CofE School

School address: Magpie Hall Lane, Bromley, Kent, BR2 8HZ

Admission authority: The school

Link to the published arrangements: <http://www.bishopjustus.bromley.sch.uk/31/admissions-appeals-uniform>

Details of objection:

- 1.47/2.14 (2014 admissions 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)/guardian(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)

Buckinghamshire

Khalsa Secondary Academy

School address: Hollybush Hill, Hollybush Hill, Pioneer House, Stoke Poges, Buckinghamshire, SL2 4PQ

Admission authority: The school

Link to the published arrangements: <http://www.khalsasecondaryacademy.com/admissions.html>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet)
- 1.8/1.37/14 (criteria b – oversubscription criteria do not themselves specify how religious commitment criteria can be satisfied)
- 2.4 (all applicants need to complete the School Application Form even if applying under the lowest category. Similarly 'For Sikh parents/legal guardians/carers who do not submit a completed Religious Questionnaire in respect of their child's place, the application will not be considered.' – presumably such applicants should be considered under the lowest (open) category? And the SIF says 'As Khalsa Secondary School is a faith inspired (Sikh) school you are required to complete the additional Religious Questionnaire form.' – contradicting statements elsewhere that it is only for those applying for religious places)

- 2.4 (admissions form asks for child's gender, details of both parents/ carers, assumes they are of opposite genders, details of current school, 'Date of arrival in UK if applicable', 'Country of Birth', 'STATE PRINCIPLE RELIGIOUS FAITH OF THE CHILD AND PARENTS: (State none - if you do not follow a faith)', 'STATE PRINCIPLE LANGUAGE SPOKEN BY THE CHILD AND PARENTS', 'OTHER LANGUAGE(S) SPOKEN BY CHILD')
- 1.8/14/1.37 (SIF says 'The school does not specifically ask a parent to prove that they have a religious commitment, but it does reserve the right to ask such evidence if required.')
- 1.8/14/1.36 (the religious questionnaire is extremely subjective – many of the questions do not lend themselves to an objective scoring system and at any rate it is not clear how many points each question is worth. Parent and child are asked whether they worship 'Once a Day', 'Once a Week', 'Once a Month' or 'Less frequently' but it is not clear how this effects scoring either. In addition, 'How do you feel your child would benefit from attending this school?' is not an assessment of Sikh religious commitment)
- 1.9a) (the religious questionnaire asks 'The School has regular religious functions, how will you as a family participate in these?' This appears to be putting extra requirements on admissions without even precisely specifying what they are)
- 1.9e)/1.9i)/1.8/14 (the religious questionnaire asks '3 Pillars of Sikhi – Please state what you understand by them and how you uphold them in your daily life: Naam Japna', 'Kirat Karni' 'Vand Ke Chakhna, what Seva have you or your child participated in?' and later 'The family participates in Seva at the Gurdwara or in the community')

St Michael's Catholic School

School address: Daws Hill Lane, High Wycombe, Buckinghamshire, HP11 1PW

Admission authority: The school

Link to the published arrangements: <http://www.stmichaels.bucks.sch.uk/admissions.html>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet)
- 1.47/2.14 (admissions policy for 2014 not on website). The rest of the complaint is therefore about the 2013 policy
- 1.8/1.37/14 (no clear criteria as to what is required to get a priest's written support)
- 1.6/1.36/2.8 (does not allow children of no faith to gain admittance even if undersubscribed)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)
- 2.4 (SIF must be returned even if not applying for a religious place)
- 2.14 (no waiting list criteria)
- 2.4 (the SIF asks the priest to indicate whether 'The parents are known to me' and 'The child is from a family that practice in the parish')

but there is no indication in the oversubscription criteria that these points will be considered)

Waddesdon Church School

School address: Baker Street, Waddesdon, Aylesbury, Buckinghamshire, HP18 0LQ

Admission authority: The school

Link to the published arrangements: <http://www.waddesdonschool.com/admissions>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet). The rest of this complaint is therefore about the 2014 policy
- 1.47 (map showing catchment area not online)
- 1.8/14/1.37 (criteria 3/5/6 – the worship criteria are ambiguous and could be interpreted 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)
- 1.8/14/1.37 (criteria 7 – ambiguous if those with no religious faith can apply under the criteria)
- 1.6/1.36/2.8 (does not allow children of no faith to gain admittance even if undersubscribed)
- 1.8 ('In the event of a tie in distance both children will be admitted but this will not constitute an increase in the admission number and the first vacancy created will not be filled.' – but what if no vacancy is created?)
- 2.4 (the application form asks for the pupils' gender, details of both parents, school currently attended. It is also compulsory even if an applicant is only applying under the lowest criteria)

Bury

Bury Church of England High School

School address: Haslam Brow, Bury, Lancashire, BL9 0TS

Admission authority: The school

Link to the published arrangements: <http://burychurch.bury.sch.uk/applications/#pupil>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet). The rest of this complaint is therefore about the 2014 policy
- 1.8/14/1.37 (there is no definition of how worship attendance is measured in the main oversubscription criteria, just the SIF – this is potentially unclear)
- 1.8/14 (what is meant by a sibling is not defined)
- 2.4 (SIF asks for child's gender)

- 1.9e)/1.9i) (The ‘uniformed organisations’ priority)
- 1.9a) (The policy says ‘Please read our Prospectus... carefully, to satisfy yourselves that our school is the appropriate school for your child, bearing in mind the Christian ethos of the school. We offer a Christian education based on the Anglican tradition which places emphasis on the importance of, and participation in, worship. We ask all parents/guardians applying for a place here to respect this ethos and its importance to the school community.’)
- 1.8 (we believe that the school’s religious selection criteria causes indirect racial selection – see separate briefing paper)

Manchester Mesivta School

School address: Beechwood, Charlton Avenue, Prestwich, Greater Manchester, M25 0PH

Admission authority: The school

Link to the published arrangements: <http://www.bury.gov.uk/CHttpHandler.ashx?id=11702&p=0>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet). The school does not have a website so following on from 1.4 we think that suitable alternative action would be having the policy on the Council’s website, which it is not. The rest of this complaint is therefore about the 2014 policy
- 1.8 (requires both parents/guardians to attend daily worship which is unfair on children with just one parent/guardian)

St Gabriel’s RC High School

School address: Bridge Road, Bury, Lancashire, BL9 0TZ

Admission authority: The school

Link to the published arrangements: http://st-gabriels.org.uk/?page_id=1833

Details of objection:

- 1.47/2.14 (admissions policy on website undated – not clear if this is 2014 or 2015 policy)
- 1.47 (the SIF is not available on the website. It may contain further Code breaches)
- 1.6 (requirements with respect to statemented children not made clear by ‘Those children with a statement of special educational needs if we are the named school.’)
- 1.9b) (criteria e/f – ‘Maintained Roman Catholic primary schools’ and ‘other Maintained primary schools’ not specified)
- 1.11 (admissions criteria do not make clear whether siblings includes step siblings, foster siblings, adopted siblings and other children living permanently at the same address)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)

- 1.8/14/1.37 (the statement 'The Governors will require evidence in support of a claim that the child is a Roman Catholic' does not make clear what evidence is required)

Hackney

Yesodey Hatorah Senior Girls School

School address: Egerton Road, Stamford Hill, London, N16 6UB

Admission authority: The school

Link to the published arrangements: http://www.learningtrust.co.uk/schools/admissions_and_transfers/determined_admission_arrangements_2015-16.aspx

Details of objection:

- 1.9a)/1.6/1.36/2.8 (the statement 'All pupils will need to abide by the principles and ethics of the Charedi community as guided by the Rabbinat of the Union of Orthodox Hebrew Congregations.')
- We invite the adjudicator to consider whether the statement 'Charedi homes do not have TV or other inappropriate media, and parents will ensure that their children will not have access to the Internet and any other media which do not meet the stringent moral criteria of the Charedi community. Families will also dress at all times in accordance with the strictest standards of Tznius (modesty) as laid down by the Rabbinat of the Union of Orthodox Hebrew Congregations.' is compliant with the Code. Dictating a dress code and lack of TV/ internet are, as far as we are aware, unique for a school's admission arrangements.
- 1.34 (not set out how the random allocation procedures are operated or how they are fair)
- 2.4e) (both parents are asked to sign the SIF)
- 2.4 (the SIF asks for the name of the primary school attended)
- 1.9a) (the SIF says 'Fathers, where applicable, overall mode of dress style and colour will be in accordance with the Chareidi ethos of the school; must belong to a Chareidi synagogue and attend all prayers on Sabbos, Yom Tov and the three daily prayers. Likewise attendance in synagogue appropriately dressed i.e. jacket and hat. Set times for daily Torah study sessions עבוק מיתיע הרותל are an essential part of a chareidi family environment.' It also specifies lots of requirements with respect to dress and media that are similarly not in the oversubscription criteria)

Hammersmith and Fulham

Sacred Heart High School

School address: 212 Hammersmith Road, Hammersmith, (Entrance Bute Gardens), London, W6 7DG

Admission authority: The school

Link to the published arrangements: <http://www.sacredhearhighschoolhammersmith.org.uk/admissions/yr7-2014.html>

Details of objection:

- 1.9a)/1.6/1.36/2.8 (the statement 'All applicants and candidates are, therefore, expected to give their full, unreserved and positive support for the aims, values and ethos of the school.')
- 1.6 (it is not stated that children with a statement of SEN that names the school will always be admitted)
- 1.9b) (criteria 4, 5, 9 and 10 take into account 'any Catholic Primary School in the Dioceses of Westminster and Southwark ("the feeder schools") for the whole of their primary education ' without specifically naming the schools. Similarly the part that says 'Note that this could also be met by attending a private feeder school so while the schools are not named, arguably 1.9i) is also breached)
- 1.9i) (criteria 4, 5, 9 and 10 also prioritise children 'whose Catholic parent has fulfilled the obligation to ensure a Catholic education'. This is an activity not permitted by the diocesan guidance)
- 14/1.37/1.8 (the oversubscription criteria with relation to the regular practice requirement are not clear as they are not found in the criteria themselves or the associated notes. It is not made clear in the oversubscription criteria or SIF how exactly applicants are ranked on the basis of attending religious worship. Are those considered practising only those who worship on holy days and other days of obligation for at least four years? If so why does the SIF ask in terms of 'Weekly/ Fortnightly/Monthly/Occasionally/ Rarely/Never'?)
- 14/1.37/1.8 (the oversubscription criteria are unfair in not clearly allowing admission to those baptised after six months due to religious conversion. Alternatively in the SIF, it says 'If the date of baptism was more than six months after the date of birth, please explain the reason. Where relevant and available, provide documentary evidence to support your explanation.' But no explanation of what reasons might satisfy this are given)
- 14/1.37/1.8 (the SIF is not written in a way that is suitable for non-Catholic Christians/those of other faiths (who are applying under criteria 14) to fill in)
- 1.8/14 (the statement in footnote 13 that 'Christian applicants must provide copies of Baptismal Certificates for the Christian child and parent' is unfair as some Christian denominations, for example Quakers, do not practice baptism, whereas others, such as Baptists, do not perform baptism until adulthood)
- 1.46 (some of the dates are given as 'xxxxx' and therefore the admissions criteria have not been fully determined by 15 April)
- 2.4 (with respect to the SIF it's not clear why details of the local parish church/priest are needed in addition to those of the church at which the parent/child worships regularly. It is also not clear as to why the questions 'How does your Parish Priest know your child?' and 'How does your Parish Priest know you?' are asked, as well as the similar questions in section C)
- 2.4a) (with respect to the requirement to provide parents' baptism certificates)

- We would also invite the adjudicator to consider whether the degree of selection on the basis of children’s and parents’ mass attendance, baptism, and duty to ensure Catholic education, are reasonable, as required by the Code at paragraph 1.8, in the light of the Archdiocese of Westminster’s guidance, which does not recommend that either the date of baptism or having ensured a Catholic education are taken into account, nor does it recommend that worship is considered beyond attending most masses, as per para A26 (paragraphs 1.9i and 1.38 of the Code). The adjudicator is currently considering this in the same manner with respect to the London Oratory School.

Kensington and Chelsea

Cardinal Vaughan Memorial School

School address: 89 Addison Road, London, W14 8BZ

Admission authority: The school

Link to the published arrangements: <http://www.cvms.co.uk/default.aspx?id=357>

Details of objection:

- 1.47/2.14 (2014 admissions policy no longer on website)
- 2.4 (all applicants are required to complete the supplementary information form even if not applying for a religious place)
- 1.27 (details of the banding test such as its date are not included in the arrangements)
- 1.8/14 (the oversubscription criteria say that 12 places will be allocated on the basis of music aptitude. Presumably this should be up to 12 – there may be less than 12 applicants)
- 14/1.37/1.8 (the oversubscription criteria are unfair in not clearly allowing admission to those baptised after six months due to religious conversion)
- 1.6 (it is not stated that children with a statement of SEN that names the school will always be admitted – the statement just mentions that a different process is used)
- 2.4 (the SIF asks for both parents’ names, baptismal status and frequency of mass attendance and presumes that they are of opposite genders. It also asks for the home borough and name of current school)
- 2.4a) (with respect to the requirement to provide a parent’s baptism certificate)
- 2.4/1.9b)/1.9i) (the priest’s reference says ‘The boy’s parents have made formal provision for his Catholic education’. It is not clear from the rest of the arrangements that this is taken into account, but if it is then it constitutes taking into account unnamed feeder schools and/or an activity not permitted by the diocesan guidance)
- We would also invite the adjudicator to consider whether the degree of selection on the basis of baptism and requirement for holy communion are reasonable, as required by the Code at paragraph 1.8, in the light of the Archdiocese of Westminster’s guidance, which does

not recommend that either the date of baptism or having received holy communion are taken into account (paragraphs 1.9i and 1.38 of the Code). The adjudicator is currently considering this in the same manner with respect to the London Oratory School.

Kent

Bennett Memorial Diocesan School

School address: Culverden Down, Tunbridge Wells, Kent, TN4 9SH

Admission authority: The school

Link to the published arrangements: <http://www2.bennett.kent.sch.uk/index.php/admissions-56/admission-criteria-2014>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet). The rest of this complaint is therefore about the 2014 policy
- 1.13 (the point within the school used to measure distance is not specified)
- 1.45 (process and independence of random selection not specified)
- 1.6/1.36/2.8 (The school has no catch-all criteria below category F for children who don't meet any of A-F. Schools are not allowed to turn away applicants if not oversubscribed)
- 1.8 (the use of footnotes is a little confusing particularly the § footnotes, as well as the reserved places which are only introduced after the oversubscription criteria. It would be clearer if these bits are integrated with the policy proper)
- 1.9a/1.6/1.36/2.8 ('In signing this statement, parents are acknowledging support for this ethos and indicating a clear preference for it in their child's education.')
- 2.4 (SIF asks for child's gender, names of both parents and whether both parents are communicant members)
- 2.4e) (SIF asks both parents to sign)

Manchester

King David High School

School address: Eaton Road, Crumpsall, Manchester, M8 5DY

Admission authority: The school

Link to the published arrangements: admissions policy from http://www.manchester.gov.uk/downloads/download/4549/secondary_school_admissions_policy_201213, SIF from <http://www.kdhs.org.uk/applications.html>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet). The rest of the complaint is therefore about the 2014 policy
- 1.47/2.14 (2014 admissions policy not on website)

- 1.9e) (criteria a/b/c/d – synagogues require individuals to make financial contributions for membership. Typically this can be waived but only for those on low incomes, so those not on low incomes are required to make a financial contribution)
- We question whether criteria a/b break 1.8's requirement that 'Admission authorities must ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular... racial group'/constitute indirect racial discrimination under the Equality Act 2010. Orthodox Jewish synagogues typically (if not always?) refuse membership to individuals on the basis of whether or not an individual's mother is Jewish. Given this, we question whether giving preference to children who have a parent who is a member of an Orthodox Jewish synagogue makes it much harder for children whose mother is not ethnically Jewish to gain admittance, and therefore is discrimination of the sort disallowed as a result of the JFS case
- 1.9b) (criteria 3 takes into account unnamed feeder schools)
- 1.8/1.37/14 (the criteria are unclear in saying 'In the event of a tie-break situation, preference will be given to applicants who show a demonstrably greater commitment to the faith, eg regular attendance at Synagogue, Shabbat and Kashrut observance etc.' but not precisely defining what this means)
- 1.8 (there is no effective tie-breaker for the situation where two people are assessed to have demonstrated as great a commitment)
- 2.4 (all applicants are required to complete the supplementary application form even if not applying for a religious place)
- 2.4 (the SIF collects unneeded information such as child's gender, details of both parents/guardians, whether the child resides with their natural parents, whether parents/guardians reside at the same address)
- 1.9a)/1.6/1.36/2.8 (the statements in the SIF, 'It is my wish that my child should take full advantage of the facilities for Religious and Hebrew Education.' and 'I agree to abide by the school rules.')

Annex D: Details of objections not submitted

The admissions policies of the schools listed below were not objected to because the issues found were relatively minor, identical to those in another school in the same local authority, or in one case where the school was subject to a recent determination against it. We note wherever we did not submit an objection for either of the last two reasons.

Barnet

Finchley Catholic High School

St James' Catholic High School has all the same issues.

School address: Woodside Lane, Finchley, London, N12 8TA

Admission authority: The school

Link to the published arrangements: <http://finchley.fluencycms.co.uk/Admissions/> <http://finchley.fluencycms.co.uk/MainFolder/SchoolInformation/Supplementary%20Information%20Form.pdf> / http://finchley.fluencycms.co.uk/Mainfolder/secondary-transfer/61293-PriestForm_E.pdf

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken. The rest of the complaint is therefore about the 2014 policy
- 1.47 (SIF and Priest's Reference Form not linked to from anywhere we could find, those we found through Google date from 2010)
- 1.9a) ('It is essential that the Catholic character of the school's education is fully supported by the families of the students in the school. All applicants are therefore expected to give their full, unreserved and positive support for the aims and ethos of the school.')
- 1.8/14/1.37 (criterion 4 – frequency/duration of required practice not specified)
- 1.6 (not made clear that statemented children always get first priority)
- 2.4 (all applicants told they should complete the SIF even if applying under the lowest criteria)

St Michael's Catholic Grammar School

St James' Catholic High School has all the same issues except on the lack of definition of practising.

School address: Nether Street, North Finchley, London, N12 7NJ

Admission authority: The school

Link to the published arrangements: <http://www.st-michaels.barnet.sch.uk/Pages/admissions.php>

Details of objection:

- 1.9a) ('It is essential that the Catholic character of the School's education is fully supported by all families in the School. All applicants are therefore expected to give their full, unreserved and positive support for the aims and ethos of the School.')
- 1.8/14/1.37 (criteria 1/2d) – practising is not defined)
- 1.6 (no explanation about statemented children)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)
- 2.4 (SIF asks for details of both parents/guardians)
- 2.4e) (Priest's Reference Form ask for three parent/carer signatures)
- 2.4 (Priest's Reference Form asks for details of both parents/carers (not just one), including frequency/duration of mass attendance, and for child's gender)

Wren Academy

School address: Hilton Avenue, North Finchley, London, N12 9HB

Admission authority: The school

Link to the published arrangements: <http://www.wrenacademy.org/admissions>

Details of objection:

- 1.9b) (criteria f/g – feeder schools not named)
- 1.35 (criteria f/g – process and independence of random allocation not specified)

Bath and North East Somerset

St Mark's CofE School

School address: Baytree Road, Bath, Somerset, BA1 6ND

Admission authority: The school

Link to the published arrangements: <http://www.st-marks.org.uk/news-and-information/key-documents/>

Details of objection:

- either 1.46 (sixth form admissions policy for 2015 not decided yet) or 1.47 (final sixth form admissions policy for 2015 not published yet) being broken
- 1.46 (the SIF is not on the website – there may be further Code breaches within it)

Bedford

Alban VA Church Academy

School address: Silver Street, Great Barford, Bedford, Bedfordshire, MK44 3HZ

Admission authority: The school

Link to the published arrangements: <http://www.albanacademy.org/About-Us/Admissions> / http://www.bedford.gov.uk/education_and_learning/schools_and_colleges/school_admissions/idoc.ashx?docid=8d739a5c-6457-43ae-92a6-c0c31cbd2c6f&version=-1

Details of objection:

- 1.8/14 (criteria 7 – ‘Children whose immediate families are practising Christians’ disadvantages children who have one religious parent vs those with two religious parents)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)

St Thomas More Catholic School

St Gregory’s Catholic Middle School has all the same issues and more.

School address: Tyne Crescent, Bedford, Bedfordshire, MK41 7UL

Admission authority: The school

Link to the published arrangements: <http://www.stthomasmoreschool.org.uk/admissions>

Details of objection:

- 1.47 (SIF not on website. May contain additional Code breaches)
- 1.8/14 (unclear what is meant by ‘Save when the naming of a mainstream school is unreasonable’ on the SEN part)
- 1.8/14/1.37 (criteria 5/6 – practising not defined)
- 1.8/14 (criteria 5/6 – ‘practising families’ implies both parents/carers practising which is unfair on those who only have one religious parent/carer)
- 1.8/14/1.37 (criteria 4/10/11 – no objective criteria for gaining ministerial support)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)

Bexley

St Catherine's Catholic School for Girls

St Columba's Catholic Boys' School has all the same issues.

School address: Watling Street, Bexleyheath, Kent, DA6 7QJ

Admission authority: The school

Link to the published arrangements:

Details of objection: <http://www.stccg.co.uk/Admissions>

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken. The rest of the complaint is therefore about the 2014 policy
- 1.7/1.37 (criteria 2.1 – does not give priority to baptised formerly looked-after Catholics who are not in the care of Catholic families)
- 1.8/14/1.37 (criteria 2.2/2.4 – 'regularly', 'occasionally', etc. not defined in the admission arrangements, nor is there a definition anywhere of how long worship is expected to have occurred for)
- 1.8/14/1.37 (criteria 2.6 – no set criteria for what constitutes being a member of a faith community. The burdens are likely to be different for different faiths and for Jewish people membership of a synagogue typically entails financial support for that synagogue)
- 1.6 (no mention of statemented children)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)
- 2.4 (SIF asks for details of both parents, labels them 'mother' and 'father')

Birmingham

Archbishop Ilsley Catholic School

Bishop Walsh Catholic School and St Paul's School for Girls have all the same issues and more.

School address: Victoria Road, Acocks Green, Birmingham, West Midlands, B27 7XY

Admission authority: The school

Link to the published arrangements: <http://www.ilsley.bham.sch.uk/admissions>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken. The rest of the complaint is therefore about the 2014 policy
- 1.9a) ('The ethos of this school is Catholic. The school was founded by the Catholic Church to provide education for children of Catholic families. The school is conducted by its governing body as part of the Catholic Church in accordance with its Trust Deed and Instrument of Government and seeks at all times to be a witness to Jesus Christ. We

ask all parents applying for a place here to respect this ethos and its importance to the school community.’)

- 2.4 (‘Parents making an application for a Catholic child should also complete the school’s Supplementary Information Form (SIF).’ – even if applying under the lowest criteria?)

Bishop Challoner Catholic College

Bishop Walsh Catholic School and St Paul’s School for Girls have all the same issues and more.

School address: Institute Road, Kings Heath, Birmingham, West Midlands, B14 7EG

Admission authority: The school

Link to the published arrangements: <http://www.bishopchalloner.org.uk/Policies>

Details of objection:

- 1.47 (priest reference form not on school’s website – may contain further Code breaches)
- 1.9a) (‘The ethos of this school is Catholic. The school was founded by the Catholic Church to provide education for children of Catholic families. The school is conducted by its governing body as part of the Catholic Church in accordance with its Trust Deed and Instrument of Government and seeks at all times to be a witness to Jesus Christ. We ask all parents applying for a place here to respect this ethos and its importance to the school community.’)
- 1.8/14 (‘In criteria 1 – 9 inclusive if there is oversubscription in a criterion the governors will give priority to those children living closest to the school determined by shortest distance’ is contradicted by ‘In criteria 7 – 9 inclusive, priority will be given to those who have a brother or sister (see Note 3 below) attending Bishop Challoner Catholic College at the time of admission and then to those children living closest to the school determined by the shortest distance’)

Cardinal Wiseman Catholic Technology College

Bishop Walsh Catholic School and St Paul’s School for Girls have all the same issues and more.

School address: Old Oscott Hill, Kingstanding, Birmingham, West Midlands, B44 9SR

Admission authority: The school

Link to the published arrangements: <http://www.cardinalwiseman.net/parental-information/>

Details of objection:

- 1.9a) (‘The school is conducted by its governing body as part of the Catholic Church in accordance with its Trust Deed and Instrument of Government and seeks at all times to be a witness to Jesus Christ. We ask all parents applying for a place here to respect this ethos and its importance to the school community.’)

Holy Trinity Catholic Media Arts College

Bishop Walsh Catholic School and St Paul's School for Girls have all the same issues and more.

School address: Oakley Road, Small Heath, Birmingham, West Midlands, B10 0AX

Admission authority: The school

Link to the published arrangements: <http://www.holytrc.bham.sch.uk/admissions>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken
- 1.47 (admissions policy for 2014 not on school's website). The rest of the complaint is therefore about the 2013 policy
- 1.47 (SIF not on school website – may contain further Code breaches)
- 1.9a) ('The ethos of this school is Catholic. The school was founded by the Catholic Church to provide education for children of Catholic families. The school is conducted by its governing body as part of the Catholic Church in accordance with its Trust Deed and Instrument of Government and seeks at all times to be a witness to Jesus Christ. We ask all parents applying for a place here to respect this ethos and its importance to the school community.')

St Alban's Academy

School address:

Admission authority: The school

Link to the published arrangements: <http://stalbansacademy.org/admissions-policy>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken. The rest of the complaint is therefore about the 2014 policy
- 1.13 (criteria f)ii) – the part that says 'In those cases where the relevant local authority measures distance on behalf of ARK Schools, the method they adopt for measurement and also selection between equal applicants and those living in flats will apply.')

St Edmund Campion Catholic School

Bishop Walsh Catholic School and St Paul's School for Girls have all the same issues and more.

School address: Sutton Road, Erdington, Birmingham, West Midlands, B23 5XA

Admission authority: The school

Link to the published arrangements: <http://www.stedcamp.bham.sch.uk/30/admissions-criteria> / http://ebriefing.bgfl.org/index.cfm?p=resources.view_resource&id=10687&zz=20140501123742936

Details of objection:

- 1.47/2.14 (admissions policy for 2014/2015 not on school's website – latest is from 2012!)
- 1.47 (SIF not on school website – may contain further Code breaches)
- 1.9a ('The ethos of this school is Catholic. The school was founded by the Catholic Church to provide education for children of Catholic families. The school is conducted by its governing body as part of the Catholic Church in accordance with its Trust Deed and Instrument of Government and seeks at all times to be a witness to Jesus Christ. We ask all parents applying for a place here to respect this ethos and its importance to the school community.')

St John Wall Catholic School – A Specialist Humanities College

Bishop Walsh Catholic School and St Paul's School for Girls have all the same issues and more.

School address: Oxhill Road, Handsworth, Birmingham, West Midlands, B21 8HH

Admission authority: The school

Link to the published arrangements: <http://www.sjw.bham.sch.uk/index.php/admissions>

Details of objection:

- 1.9a ('The ethos of this school is Catholic. The school was founded by the Catholic Church to provide education for children of Catholic families. The school is conducted by its governing body as part of the Catholic Church in accordance with its Trust Deed and Instrument of Government and seeks at all times to be a witness to Jesus Christ. We ask all parents applying for a place here to respect this ethos and its importance to the school community.')

St Thomas Aquinas Catholic School

Bishop Walsh Catholic School and St Paul's School for Girls have all the same issues and more.

School address: Wychall Lane, Kings Norton, Birmingham, West Midlands, B38 8AP

Admission authority: The school

Link to the published arrangements: <http://www.stacs.org/index.php/parents/school-admissions.html>

Details of objection:

- 1.47/2.14 (2014 admissions policy no longer on website)
- 1.47 (SIF not on school website – may contain further Code breaches)
- 1.9a ('The ethos of this school is Catholic. The school was founded by the Catholic Church to provide education for children of Catholic families. The school is conducted by its governing body as part of the Catholic Church in accordance with its Trust Deed and Instrument of

Government and seeks at all times to be a witness to Jesus Christ. We ask all parents applying for a place here to respect this ethos and its importance to the school community.’)

Blackburn with Darwen

St Bede’s Roman Catholic High School, Blackburn

Our Lady and St John Catholic College has all the same issues and more.

School address: Livesey Branch Road, Blackburn, Lancashire, BB2 5BU

Admission authority: The school

Link to the published arrangements: <http://www.stbedesblackburn.com/admissions-policy/>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken. The rest of the complaint is therefore about the 2014 policy
- 1.9b) (criteria 4/5/10 – feeder schools not named – ‘Non Catholic Primary Schools’ should be treated as feeder schools and not as a catch-all for all pupils not in Catholic schools because these children get priority over those who are home-schooled)

Tauheedul Islam Girls School

Tauheedul Islam Boys’ High School has the same issue and more.

School address: 31 Bicknell Street, Blackburn, Lancashire, BB1 7EY

Admission authority: The school

Link to the published arrangements: <http://www.tighs.com/aboutusprospectusandadmissions>

Details of objection:

- 1.8 (criteria 2/3 – both parents/carers must be members of the mosque, disadvantaging those with a single parent)

Bolton

Canon Slade CofE School

We did not object to this school as it had a determination against it in April 2014. However, reviewing its admissions policy in March 2015, it seems that all of these issues remain live. We probably should have objected to it.

School address: Bradshaw Brow, Bolton, Lancashire, BL2 3BP

Admission authority: The school

Link to the published arrangements: <http://www.canon-slade.bolton.sch.uk/admissions-arrangements/>

Details of objection:

- 1.8/14 (admissions policy is undated – unclear to which year it applies)
- 1.8/14 ('GCSE Advanced Level courses' – should be 'GCE')
- 1.8/14/1.37 (Questions 1 and 3 give the max no of points each of parent/child can obtain over the whole period of years, while question 2 gives the max for just one year. This is confusing)
- 1.8/14/1.37 (the three year period covered by question 2 is 2008-10 but this is not stated in the arrangements)
- 2.4 (SIF asks for child's gender, LAC/PLAC, and to 'List the details for all churches you, as parent or legal guardian, have attended below since January 2004' when only church attendance back to 2005 is needed)
- 1.8/14/1.37 (recording twelve 'weekly worships' over the period of a year is confusing. Presumably twelve worships in a row is fine. And so would two groups of six weeks. What about four groups of three weeks? Or six groups of two? Unclear)
- 1.8 (the school was found in April to be socio-economically selecting as a result of requiring eleven years of church attendance. It still requires eleven and uses the same points-based system.)
- We are also concerned about the presence, on the school's website, in its admissions area, of a page called 'Charging and Remission'. The page currently says 'Our latest Charging and Remission information is currently being reviewed by the Board of Governors and will appear shortly.' But this may break or have broken paragraph 1.9n)

Mount St Joseph: Business and Enterprise College

Thornleigh Salesian College has all the same issues and more.

School address: Greenland Road, Farnworth, Bolton, Lancashire, BL4 0HU

Admission authority: The school

Link to the published arrangements: <http://www.msj.bolton.sch.uk/index.php/home/admission.html>

Details of objection:

- either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken. The rest of the complaint is therefore about the 2014 policy
- 1.9b) (criteria 5/6/8 – feeder schools not named – 'Non-Catholic Primary Schools' should be treated as feeder schools and not as a catch-all for all pupils not in Catholic schools because these children get priority over those who are home-schooled)

St James's Church High School

School address: Lucas Road, Farnworth, Bolton, Greater Manchester, BL4 9RU

Admission authority: The school

Link to the published arrangements: <http://www.st-james.bolton.sch.uk/New-Starters/Admission-Details/> / http://www.st-james.bolton.sch.uk/docs/Policies/Admissions_Policy_for_2015-16.pdf
<http://www.st-james.bolton.sch.uk/new-starters/prospectus/>

Details of objection:

- 1.47 (the 2014/2015 admissions policies and SIF are spread across three different parts of the school's website)
- 2.4 (SIF asks for child's gender)
- 1.9a) (SIF says 'We would expect applications to be from those parents who wish their children to receive a Christian education in a Church of England school.' and 'Applicants are expected to be supportive of the Christian ethos of the school')

St Joseph's RC High School and Sports College

Bishop Walsh Catholic School and St Paul's School for Girls in Birmingham have all the same issues and more.

School address: Chorley New Road, Horwich, Bolton, Lancashire, BL6 6HW

Admission authority: The school

Link to the published arrangements: <http://www.stjosephsbolton.org.uk/our-school/admissions/>

Details of objection:

- 1.47/2.14 (2014 admissions policy no longer on website)
- 1.9a) ('St Joseph's ethos is distinctly Roman Catholic and we ask all parents applying for a place and pupils attending here to respect this ethos and its importance to the St Joseph's community.')
- 1.6 (no reference is made to statemented children)

Brent

Convent of Jesus and Mary Language College

Newman Catholic College has all the same issues and more (apart from 1.7).

School address: Crownhill Road, London, NW10 4EP

Admission authority: The school

Link to the published arrangements: <http://www.cjmlc.co.uk/documents/policies/Admissions%20Policy.pdf> / [http://www.brent.gov.uk/services-for-residents/family-and-schools/schools/information-about-admissions/admissions-criteria/\(Secondary tab\)/](http://www.brent.gov.uk/services-for-residents/family-and-schools/schools/information-about-admissions/admissions-criteria/(Secondary%20tab)/) / http://www.rcdow.org.uk/education/default.asp?library_ref=8&content_ref=3041

Details of objection:

- 1.47 (SIF and 2015 admissions policy not on school website)
- 1.47 (priest's reference form on neither school nor local authority's websites)
- 1.9a) ('It is essential that the Catholic character of the school's education is fully supported by all the families in the school. All applicants and candidates are therefore expected to give their full, unreserved and positive support for the aims and ethos of the school.')
- 1.8/14/1.37 (criteria 2/6 – regularity/duration of practice required not specified in admission arrangements)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)
- 1.7 (the admissions policy does not make clear that children with statements will always be admitted first)
- 2.4 (SIF compulsory even for those applying under the lowest criteria)
- 2.4 (Priest's Reference Form asks for details of both parents, including frequency/duration of mass attendance, and for child's gender)
- 2.4e) (Priest's Reference Form asks for three parent/carer signatures)

St Gregory RC High School

Newman Catholic College has all the same issues and more (apart from 1.7).

School address: Donnington Road, Kenton, Harrow, HA3 0NB

Admission authority: The school

Link to the published arrangements: <http://www.stgregorys.harrow.sch.uk/sgsmain/admissions.html>

Details of objection:

- 1.47/2.14 (2014 admissions policy no longer on website)
- 1.47 (priest's reference form not on school's website)
- 1.9a) ('It is essential that the Catholic character of the school's education is fully supported by all the families in the school. All applicants and candidates are therefore expected to give their full, unreserved and positive support for the aims and ethos of the school.')
- 1.8/14/1.37 (criteria 2/6 – regularity/duration of practice required not specified in admission arrangements)
- 1.7 (the admissions policy does not make clear that children with statements will always be admitted first)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)
- 2.4 ('parents should complete a Supplementary Information Form (SIF), which is available from Brent Local Authority or from St Gregory's Catholic Science College and must be returned to the school.' – even if they are applying under the lowest criteria?)
- 2.4 (Priest's Reference Form asks for details of both parents, including frequency/duration of mass attendance, and for child's gender)
- 2.4e) (Priest's Reference Form asks for three parent/carer signatures)

Bristol

St Bede's Catholic College

School address: Long Cross, Lawrence Weston, Bristol, BS11 0SU

Admission authority: The school

Link to the published arrangements: http://www.stbedesc.org/admissions_2015-2016.html

Details of objection:

- 1.8/1.37/14 (criteria 6.11 – 'Catholic parent' is not defined)
- 1.35 (random allocation is not independently supervised)
- 1.47 (the SIF is not on the school's website. This may contain further Code breaches)

Buckinghamshire

The Aylesbury Vale Academy

School address: Paradise Orchard, Aylesbury, Buckinghamshire, HP18 0WS

Admission authority: The school

Link to the published arrangements: <http://www.buckscc.gov.uk/media/1931447/AVA-policy-2015-16.pdf> / <http://www.theacademy.me/page/?pid=31>

Details of objection:

- 1.47/2.14 (2014 and 2015 admissions policies not on website)
- 1.9a ('we expect parents/carers to respect the Christian ethos of our school.')

Bury

St Monica's RC High School

St Gabriel's RC High School has all the same issues and more, apart from the footnote 3 point.

School address: Bury Old Road, Prestwich, Manchester, Lancashire, M25 1JH

Admission authority: The school

Link to the published arrangements: http://www.stmonicas.co.uk/school/images/St_Monicas_Admission_criteria_2015.pdf

Details of objection:

- 1.47/2.14 (2014 admissions policy no longer on website)
- 1.47 (the SIF is not available on the website. It may contain further Code breaches)
- 1.9b) (criteria E/F – 'Maintained Roman Catholic primary schools' and 'other Maintained primary schools' not specified)
- 1.8/14 (it is unclear where footnote 3 children are fit in against the oversubscription criteria)

- 1.11 (admissions criteria do not make clear whether siblings includes step siblings, foster siblings, adopted siblings and other children living permanently at the same address)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)

Hammersmith and Fulham

Burlington Danes Academy

School address: Wood Lane, London, W12 0HR

Admission authority: The school

Link to the published arrangements: <http://burlingtondanes.org/admissions-policy>

Details of objection:

- 1.47/2.14 (2014 admissions policy no longer on website)
- 1.13 (criteria f)ii) – the part that says ‘In those cases where the relevant local authority measures distance on behalf of ARK Schools, the method they adopt for measurement and also selection between equal applicants and those living in flats will apply. ’)

Lady Margaret School

School address: Parson’s Green, London, SW6 4UN

Admission authority: The school

Link to the published arrangements: <http://www.ladymargaret.lbhf.sch.uk/admissions-year-7>

Details of objection:

- 1.47/2.14 (2014 admissions policy no longer on website)
- 2.4 (the common application form asks for details of both parents and presumes that they are of opposite genders. It does not make clear that just one parent could fill it in)
- 1.34 (not set out how the random allocation procedures are operated or how they are fair)

