



Oak Multi Academy Trust

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CEO: Mr K Hayles

Chris Swan, Chair of Trustees Lionheart Academies Trust
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Monday, 19 November 2018

Dear Ms Swan and Ms Chamberlain,

We attach our response to your consultation. We are sorry not to be able to support it, but we understand from a recent conversation that although you offered us a meeting, you were explicit that 'There is no chance of a compromise.' That is a shame, and any meeting invite should also have been made to other local heads and trusts.

We also think that you should review your approach to consultation. The demand for so many details about families and their situation seems excessive, why postcodes and school year group?

You may not be aware but parents at recent open evenings told us in schools that they felt pressured and afraid of the power wielded by Beauchamp College. They were fearful that speaking out would stop their children getting a place at the College. We are sure that was not the message the College wished to give, but for any parent to feel that way can't be right.

We believe in the importance of local schools for our communities. We value our relationships with you, and hope that taking account of the points we raise, and the questions we ask that your trust will think again.

We look forward to hearing from you.

Ross Grant,
For the Oak Multi Academy Trust





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Random Selection – Why the Oak Trust objects to Beauchamp College’s proposal to allocate sixth form places by random selection

We, the Oak Trust, don’t understand how the allocation of sixth form places by random selection is good for the local community (www.beauchamp.org.uk/prospective-parents/post-16/sixth-form-consultation/). In all of our schools, we believe that the local connection and the sense of community really matters. The links between nursery and primary, primary and secondary, secondary and post 16 are all part of our community.

Taking the decision to object is not easy. We believe in partnership working. It is so sad that Beauchamp College are consulting on a policy that will deliver only division.

In summary,

- We don’t think the proposed policy is fair or reasonable.
- We don’t think it pays any attention to local needs.
- It fails to put the interests of local children at the heart of their community.
- It has a negative impact on their future choices.

We will not be filling the consultation survey online. We think it asks too many personal questions. We will be sending in our response using this link sixthformconsultation@beauchamp.org.uk. It is open to anyone to do it that way too.

Background

For the Leicestershire schools who went through the upheaval of age range change, this has not been an easy time.

At the time of age range change the three local secondary schools (Gartree High School, Manor High School and Beauchamp College) had to submit a business case and explain what would happen next.

Beauchamp College said:

*“Beauchamp College has a highly desirable and oversubscribed 6th form which attracts young people from a wide area. The proposal takes into account the needs of the local community to **ensure that enough places will be available to meet the demands of the area.** Over the next year, if age range change were to be successful, we would look carefully at the 6th form admissions oversubscription criteria **to give priority to the local community**”.*

Beauchamp College Business Case for Change 2016

What we want to know is what has changed? Why doesn’t the local community matter to Beauchamp College anymore?



What does this mean for the local children?

We thought about what it means for all of the young people who live in the local area, county and city. We considered the following scenario:

Pupil A

Pupil A lives in Oadby, say 100m from the gate of Beauchamp College. He has gone to a local primary school since Reception. At Year 7 he was not ready for a college with 300 other pupils in Year 7. A college of well over 2,000 pupils feels overwhelming. At the start of Year 7, some of his friends go to Beauchamp, some to their local high school. They all go to local schools.

Pupil A takes part in local out of school activities. He plays football for a local team and goes to the local Madrassa. He attends one of the local high schools.

He gets excellent GCSE results, well over what he needs to study three A levels. He gets eight grade 8 passes and one grade 9.

He applies to Beauchamp College. He is not selected using random selection.

He will have to travel to another college, where he knows no one. He has no connection to the area where that college is located.

Is this fair?

Pupil B

Pupil B lives in Loughborough and goes to De Lisle College, that has a sixth form. She gets five GCSEs at Grade 6. Applies to Beauchamp and gets a place.

She takes the place.

Is this fair?

Pupil C

She lives in Oadby and has gone through the family of schools since reception, electing to study her GCSEs at one of the smaller secondary schools. She gains nine GCSEs at grade 9. Her friend studies her GCSEs at Beauchamp College and gains five GCSEs at grade 6. Both apply to Beauchamp sixth form. Pupil C does not gain a place, yet her friend does.

Is this fair?

Furthermore, using random selection could result in no child living in the local area getting a place at their local sixth form if they choose to go to a smaller high school at Year 7.

Is that fair?

All 200 places could go to pupils who have no connection to the family of schools. That's random selection.

But is it fair?

Why have a family of schools and feeder schools for Year 7 and Year 9 and then prevent them from taking a place at their local sixth form? See Appendix 1 for the list.

How will you travel to sixth form?

Leicestershire County Council are quite clear in their transport policy for post 16:

(<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2018/5/29/post16-transport-policy-statement-sep2018.pdf>)

2(a) Leicestershire County Council

Mainstream learners – LA provision:

New Post 16 learners will be assessed as per the policy summary below:

Transport assistance for a charge of £660 (exemptions apply for students entitled to free school meals or whose parents are in receipt of one of the qualifying benefits or their maximum level Working Tax Credit) is available for those pupils above statutory school age if:

- they live more than 3 miles from the school/college attended, if the student is aged 16, 17 or 18 when the course is started, is attending full time **and**:
- the school is the nearest school sixth form or nearest freestanding Post 16 Further Education/Sixth Form college.

So for children in the villages such as Houghton on the Hill, who have always been part of our family of schools, if they don't get a place at Beauchamp, they won't get funded transport.

What we don't understand at Oak Trust, is how this improves social mobility? It sounds more like it reduces it.

What have Beauchamp said about why they are doing it?

"An independent adjudicator ruled that Beauchamp College's sixth form admission policy was in breach of the DfE School Admission Code. As a result of this ruling we had to change our policy to ensure we were fully compliant with the code."

(FAQs on <https://www.beauchamp.org.uk/prospective-parents/post-16/sixth-form-consultation/>)

The full report by the schools adjudicator's can be found here:

<https://www.gov.uk/government/publications/beauchamp-college>

The objections submitted were:

- a. Apparent change to the PAN and/or lack of clarity regarding the PAN for entry to Year 12 in 2019; and
- b. Selection for entry to Year 12 in 2019 on the basis of interviews.
- c. Interviews for pupils entering Year 10.

As you can see, the decision was not about random selection. There were two objections upheld about the sixth form (paragraphs 19-22):

- One found that interviewing pupils for sixth spaces was unacceptable and must stop
- Second was that the College could not simply reduce numbers of pupils who could access the sixth form without proper authority.

So, they didn't need to introduce random selection at all.

Random Selection Improves Social Mobility – the Sutton Trust Say So

Taken from the Beauchamp College Consultation Booklet:

We are passionately committed to ensuring that this offer is available to as many students as possible who wish to come here whatever their background. We are deeply committed to social mobility and as such we aim to ensure that every young person has an equal chance of studying with us. In keeping with the 2018 Sutton Trust commissioned Parent Power Report, we plan to achieve this equality through random ballot should we be oversubscribed.

*“More schools, particularly in urban areas, should take the opportunity where they are responsible for their own admissions to introduce random allocation ballots to ensure that a wider mix of pupils has access to the most academically successful comprehensives. Reducing the emphasis on geographical proximity will allow fairer access to the best schools and limit socially divisive incentives for house buying and gaming the system. **Ballots should be introduced alongside large catchment areas in order to maximise the potential socioeconomic diversity of the catchment.**”*

Montacute, R. and Cullinane, C. (2018) Parent Power - How parents use financial and cultural resources to boost their children's chances of success. The Sutton Trust.

Beauchamp are not following the guidance from the Sutton Trust. They have disbanded the catchment area for sixth form. It just doesn't follow.

We applaud consideration of social mobility. A wider reading of the Sutton Trust research shows support for prioritising Pupil Premium entitled students above other over subscription criteria. To support social mobility, why not go with a simple distance-based policy but prioritise Pupil Premium entitled students above this?

Ms Swan to Oak Trust CEO

'Measuring distance is a logistical nightmare.'

We don't understand that. Across the county, and in fact the across the country, distance from school is almost universally used as a tie break.

In year 7, Beauchamp College's own admission criteria includes:

7. Children living nearest to the college measured in a straight-line distance (home to school front gate).

So why is sixth form different? Pay the LA to do it like you do for Year 7.

'It improves social mobility.'

How? If children live further away they won't get transport funded, so only the wealthy will be able to take up places. It just doesn't make sense.

We have also objected to the Office of the School Adjudicator about the change for Admission to the sixth Form in 2019/20 (Please see Appendix 2).

Email: osa.team@schoolsadjudicator.gov.uk

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Appendix 1 – from the Beauchamp Admission Policy

All of the Oak Schools are named as feeder schools for Beauchamp, but this will also impact upon the other named Learning Partner Primary Schools:

Named Learning Partner Primary Schools:

- Brocks Hill Primary School
- Brookside Primary School
- Fernvale Primary School
- Glenmere Primary School and
- Langmoor Primary School
- Houghton Church of England Primary School
- Launde Primary School
- St Luke's Church of England Primary School
- Woodland Grange Primary School

Named Feeder High Schools (2018-2019):

- Manor High School
- Gartree High School

Named Feeder Primary Schools:

- Avenue Primary School
- Overdale Junior School
- St Cuthbert's Church of England Primary School
- St John the Baptist Church of England Primary School





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Appendix 2 – The Objection to the OSA for 19/20 Admission Criteria Beauchamp College – unlawful change to Post 16 Admission Criteria – Grounds for Objection and Breaches of the School Admission Code

Background to the complaint

A parent raised concerns about changes to the Post 16 entry criteria for Beauchamp College after attending an open evening at the College in September 2018.

The parent states that the College said that random selection would be applied for all external applicants. This was very different to the policy published and approved by the Admission Committee.

On the website the 2018-19 policy was until very recently the published policy for 2019-20 also. Below is the current radically different policy for 2019-20.

There has been no consultation or publication of these dramatic changes.

It adversely impacts on all local children who for whatever reason have decided to attend a smaller secondary school for KS3 and KS 4 education.

It is unfair, unreasonable and the Code has been ignored in many parts.

As a Trust that has many primary and secondary children from the local area we are greatly concerned about the impact on our children and the local community.

The 2018-19 Policy (and previously published 2019-20 Policy) states

Oversubscription Criteria Any students with an Education Health and Care Plan who meet entry requirements will be admitted. If there are more applicants than we have places available on any course who have met the academic criteria for entry, we will prioritise pupils based on the following:

- *Performance in the admissions meeting (see entry criteria) o If the college is oversubscribed we will initially prioritise using the scores allocated to student during their meeting.*
- *If following the application of the above process, two or more applicants cannot be separated for a final place we will tie-break as follows, in order:*
 1. *Students who are looked after children and previously looked after children*
 2. *By distance from the Sixth Form*

The new 2019/20 policy states

Oversubscription Criteria

If there are more applicants than we have places available on any course who have met the



academic criteria for entry, we will prioritise pupils based on the following

1. *Children applying who are in the care of the Local Authority and children who were previously in the care of the Local Authority but ceased to be so because they were adopted, or became subject to a child arrangements order, or special guardianship order immediately following having been ‘looked after’.*
2. *a) All other external students will then be subject to an independent sequencing procedure to produce a random ordered list of applicants.*
b) A system of equitable course allocation will ensure that students are in turn allocated places from the list, in order, as long as places on their chosen courses remain. (For full description see Appendix A)

The School Admissions Code of Practice 2014

Compliance with the Code

5. It is the responsibility of admission authorities to ensure that admission arrangements are compliant with this Code. Where a school is the admission authority, this responsibility falls to the governing body or Academy Trust.

There is no indication that the Trustees have followed due process.

8. The Secretary of State may refer the admission arrangements of any school to the Schools Adjudicator at any time if the Secretary of State considers that they do not or may not comply with the mandatory requirements of this Code or the law.

This complaint is outside of the usual timeframe for complaints, however this is a novel, mid-year change that requires determination by the OSA. There has been no previous opportunity to express a view or object as these admission arrangements have been unlawfully changed.

9. The Schools Adjudicator may investigate the admission arrangements of any school that the Adjudicator considers do not or may not comply with the mandatory requirements of this Code or the law.

An expedited investigation is necessary. Parents at year 7 information evenings were told that unless a local child goes to Beauchamp they are unlikely to secure a place at 6th form.

Overall principles behind setting arrangements

*14. 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.*

Admissions are not fair. A child on lower grades, living at a considerable distance from the school who attends a school with a 6th form will have the same chance of securing a place for a child who lives within walking distance of the school, who has no viable alternative options for 6th form study. That is manifestly unfair.

How Admissions Work

15. In summary, the process operates as follows:

- a) All schools **must** have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school. Admission arrangements are determined by admission authorities.
- b) Admission authorities **must** set ('determine') admission arrangements annually. **Where changes are proposed to admission arrangements, the admission authority must first publicly consult on those arrangements.** For all subsequent years, consultation **must** be for a minimum of 6 weeks and **must** take place between **1 October** and **31 January** of the school year before those arrangements are to apply.

There has been no consultation at all about this change.

1.8 Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation.

There is no indication of any impact assessment, how this will affect transport options for pupils who live locally but fail to secure a place. The process ignores the needs of the local community. Beauchamp is a Community College, it has a key stage 3 and 4 catchment area that includes a significant number of rural communities.

Random allocation

1.34 Local authorities **must not** use random allocation as the principal oversubscription criterion for allocating places at all the schools in the area for which they are the admission authority. 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.

This part of the Code relates to LAs, however the unfairness and uncertainty that arises for the use of random selection as the only oversubscription criteria for places at this College 6th form is not in the spirit of the Code.

Also it then fails to ensure that any pupil or parent applying can have any certainty about the decision to apply for this or other Colleges. As there is no method to determine the likelihood of success on a year by year basis planning is made impossible.

Consultation

1.42 When changes are proposed to admission arrangements, all admission authorities **must** consult on their admission arrangements (including any supplementary information form) that will apply for admission applications the following school year.

1.44 Admission authorities **must** consult with:

- a) parents of children between the ages of two and eighteen;
- b) other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions;

- c) *all other admission authorities within the relevant area (except that primary schools need not consult secondary schools);*
- d) *whichever of the governing body and the local authority who are not the admission authority;*
- e) *any adjoining neighbouring local authorities where the admission authority is the local authority; and*
- f) *in the case of schools designated with a religious character, the body or person representing the religion or religious denomination.*

1.45 *For the duration of the consultation period, the admission authority **must** publish a copy of their full proposed admission arrangements (including the proposed PAN) on their website together with details of the person within the admission authority to whom comments may be sent and the areas on which comments are not sought.*

There has been no consultation. The community have a right to be heard.

The Schools Adjudicator

3.1 *The Schools Adjudicator **must** consider whether admission arrangements referred to the Adjudicator comply with the Code and the law relating to admissions. The admission authority **must**, where necessary, revise their admission arrangements to give effect to the Adjudicator's decision within two months of the decision (or by **28 February** following the decision, whichever is sooner), unless an alternative timescale is specified by the Adjudicator. An Adjudicator's determination is binding and enforceable.*

The decision made by the adjudicator in September 2018 did not require the changes that have been made. The determination states that there were issues with the process and the policy, but not the oversubscription criteria. This trust has not acted in the spirit or terms of the original determination.

Variations

3.6 *Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified. Where the local authority is the admission authority for a community or voluntary controlled school, it **must** consult the governing body of the school before making any reference. A variation to increase a school's PAN is not required to be referred to the Schools Adjudicator.*

It does not appear from the OSA website that any such approval for this variation has been made. On that basis alone, the new arrangements are unlawful.

3.7 *Admission authorities **must** notify the appropriate bodies of all variations and **must** display a copy of the full varied admission arrangements on their website until they are replaced by*

*different admission arrangements. Local authorities **must** display the varied admission arrangements on their website where an admission authority has raised its PAN.*

This has not been done.

We also note the views of the adjudicator in the Gartree High School decision issued on the same day.

38. Under the arrangements for 2019 which define no catchment area, if a family moves into the area within two years of secondary transfer and their child attends one of the named feeder schools, that child will only be considered for a place under the final oversubscription criterion once all other children attending feeder schools who want a place have been admitted. In 2018, the school was oversubscribed before this criterion was reached in the allocation process. The likelihood is that in 2019 any such child would not secure a place at the school, no matter how close to it their home. This seems to me to be an unreasonable situation, the more so because the original justification for the condition of two years' attendance at a feeder school is now much diminished.

39. Paragraph 1.8 of the Code states that: "Oversubscription criteria must be reasonable...." Although it does seem to me to have been a severe requirement, what may not have been an unreasonable provision previously, given the priority then given to those living in the school's catchment area, does now in my opinion cause the arrangements to be unreasonable, for the reason I have set out. The arrangements are in breach of paragraph 1.8 of the Code.

Whilst accepting that each determination is considered on its own merits, it is inconceivable that the Beauchamp College Trustees and Senior Leaders were unaware of this determination. The two schools share a campus. The determinations were released on the same day.

The actions of the College show a blatant disregard for the expressed views of the OSA.

Areas of Objection

1. There has been no consultation about the change. This is a significant breach. The local community has been ignored and views disregarded.
2. The change is in breach of the publicly stated objectives in the business case for Age Range Change

*'Beauchamp College has a highly desirable and oversubscribed 6th form which attracts students from a wide area. **The proposal takes into account the needs of the local community to ensure that enough places will be available to meet the demands of the area. Over the next year, if age range change were to be successful, we would look carefully at the 6th form admissions oversubscription criteria to give priority to the local community.'***

3. It is not reasonable to make changes that deny local children a place at their local 6th form by using random allocation.
4. The Adjudicator in Gartree recognises the importance of local places being available for the local community. This has been ignored.

5. Beauchamp target a wide geographical area for 6th form admissions, many of these other pupils will have availability and priority to attend other local 6th form provision. Oadby and the local village children will not have the same opportunity. This is unfair.

Breaches

1. Paragraph 5 – the Admission Authority has not complied with the mandatory elements of the Code in respect for consultation or 14 or 1.8.
2. Using random allocation is not a fair within the local situation as it potentially prefers pupils who live at a significant distance over those who are within the traditional locality, and who are recognised within the Beauchamp Learning Partnership. This is intrinsically unfair.

This policy limits opportunity for local pupils.

Whilst 1.34 expressly applies to Local Authorities it must be the case that in this instance the inherent unfairness of the procedures (which is why 1.34 exists) must be applied to the present situation.

3. 15 and 1.42 – 1.45 are breached. The Adjudicator in Gartree made particular note of the importance of consultation. Beauchamp are aware of this decision and have ignored it.
4. Decisions about admission for 19/20 must be based upon the presently determined admission criteria not a novel set that have simply been published on the website, so 2.7 is breached.
5. Notification under 3.6 and 3.7 is breached. The issues have only come to light due to parental concerns.

We as a Trust submit that these matters should be urgently considered by the Adjudicator.