

DETERMINATION

Case reference: ADA002343

Objector: Wokingham Borough Council

Admission Authority: The governing body of Grazeley Parochial Church of England Aided Primary School

Date of decision: 10 August 2012

Determination

In accordance with section 88H (4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by Grazeley Parochial Church of England Aided Primary School for admissions in September 2013

I have also considered the arrangements in accordance with section 88I (5). I determine that they do not conform with the requirements relating to admission arrangements.

By virtue of section 88K (2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements as quickly as possible.

The referral

1. Under section 88H (2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the Adjudicator by Wokingham Borough Council, the local authority (the LA), the objector, about the admission arrangements (the arrangements) for Grazeley Parochial Church of England Aided Primary School (the School), a Voluntary Aided Primary School for children aged 4 to 11 for September 2013. The objection is that the school failed to consult regarding its proposed arrangements as set out in the School Admissions Code (the Code) paragraphs 1.42 to 1.45.

Jurisdiction

2. These arrangements were determined under section 88C of the Act by the School's governing body, which is the admission authority for the School. The objector submitted its objection to these determined arrangements on 27 June 2012. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction.

Procedure

3. In considering this matter I have had regard to all relevant legislation and the Code.
4. The documents I have considered in reaching my decision include:
 - a. the objector's form of objection dated 27 June 2012 together with supporting papers;
 - b. the School's response to the objection dated 10 July 2012 and supporting documents;
 - c. email from the Diocese of Oxford (the Diocese) dated 16 July 2012;
 - d. the LA's composite prospectus for parents seeking admission to schools in the area in September 2012 as that for September 2013 is not yet available;
 - e. a map of the area identifying relevant schools;
 - f. copies of the minutes of the meeting of the Admissions & Curriculum Committee of the Governing Body held on 23 January 2012 at which the arrangements were determined; and
 - g. a copy of the determined arrangements for 2012 and for 2013.

The Objection

5. The School began discussing its arrangements for 2013 towards the end of 2011. There were a number of changes to the 2012 arrangements that needed to be made in order to reflect changes in the Code and others to make the arrangements compliant. In addition the School decided to make other changes to its oversubscription criteria.
 - a. In criterion 2 to include parents moving into the area.
 - b. In criterion 3 to change the definition of sibling.

6. These are changes upon which the Code requires admission authorities to consult by 1 March including any supplementary information form (SIF) that will apply. The objection is that the School failed to do so.

Background

7. Representatives of Church of England schools attended training offered by the Diocese. In the light of that training, the governors amended their 2012 arrangements. Some changes were made to reflect the changes in the Code for 2013, while others helped make the arrangements more compliant with the Code by clarifying areas of possible confusion or vagueness.

8. The School did make some other changes that were not specifically to comply with the Code and it is these that the LA is objecting to on the grounds

that they required but did not receive formal consultation.

9. The arrangements as amended in December were sent to the Diocese and to the LA. Between December 2011 and March 2012 electronic discussions took place, even though the arrangements had technically been determined in January. To the School's credit, suggestions for clarification and to ensure compliance with the Code made both by the Diocese and the LA were accepted by the School.

10. However, despite the fact that there had been some changes to the arrangements that were not required by the Code, no further consultation took place.

11. The School was aware that those needing to be consulted were more than the LA and the Diocese. Over a number of years, including for 2013-2014, the arrangements have contained this paragraph:

“A pupil is enrolled at this Aided School in accordance with the Governors' Admissions Policy, which has been published after consultation with the Oxford Diocesan Board of Education, the Local Authority and other relevant Admission Authorities, in accordance with the School Admissions Code.”

In fact the Code in paragraph 1.44 specifies other groups which must also be consulted.

12. The School has argued in a letter dated 10 July 2012 that “due to a major fault with the school server and computing systems between December 15th 2011 and mid January we were unable to post our amended policy on our website for the statutory eight week consultation period”. However the School did not send the proposed arrangements out for consultation to those mentioned in the Code, nor is there any evidence that, when the server was up and running again, the new arrangements were immediately placed on the website specifically as a consultation document “together with details of the person within the admission authority to whom comments may be sent” (Code 1.45).

13. On 22 February 2012 and again on 14 March 2012 the LA School Admissions Forum met and reviewed the arrangements in detail. On 28 February 2012 the School was told by email what changes to the arrangements the Forum had identified that required consultation. At its March meeting it was resolved to inform schools that the consultation on their arrangements had not been carried out strictly in compliance with the Code. This was communicated to the School in writing on 4 April 2012.

Consideration of Factors

14. Parents moving into area. Criterion 2 of the oversubscription criteria relates to children of a parent who lives in the benefice and attends one of the named churches. For 2013 the School added a new paragraph:

“Parents moving into the area who have formerly attended church and transfer to one of the churches above will also be eligible for

consideration under criterion 2 but will need to provide a Supplementary Information Form (SIF) from both churches.”

This is a change to the criteria and, as the objector asserts, requires consultation.

15. Siblings. The 2012 arrangements read, “Children who have brothers or sisters attending the School at the time of their term of entry”. For 2013 this had been changed to “Children who have siblings in attendance at the school at the time the application is processed or whose parents have accepted a place at the school and who are expected still to be in attendance at the time of their entry to school”. Leaving aside the grammatical confusion, which among other things might suggest that a child needs more than one sibling attending the school, I agree with the objector that this also is a change and requires consultation. As it stands, it is also contrary to paragraph 1.8 of the Code which states that “oversubscription criteria **must** be reasonable, clear, objective, procedurally fair ...”, as there is no information available to applicants informing them when the application is processed.

16. As both these matters required the admission authority to consult on the change it proposed to make, I uphold the objection that the School did not consult as required by the Code.

17. Multiple births. One further change was not raised by the objector but also requires consultation. In their arrangements for 2012, the School stated that in the case of twins or multiple births the admissions criteria would be applied to each child. If as a result one or more child was not offered a place, then parents could choose either to nominate the child who would be offered the place, or they could choose another school that could accept all the children, or they could appeal. The 2013 arrangements state: “Where one or more but not all the children could be admitted without exceeding the admission number or the number of places available then each child will be admitted”.

This too is a change permitted by the Code but not required by it. It therefore also requires consultation

18. The SIF, which is readily accessible on the School website, contains a number of errors that need to be corrected in order to bring it in line with the Code.

- a. The form’s heading reads: “Supplementary Information Form. This form need only to be completed if applying under Criterion 2 & 7”. This is doubly confusing and misleading. Criterion 2 is for those who worship regularly in the parish. It is Criterion 6 that is for those who live outside the parish and worship regularly in a church outside the parish. So firstly, the heading should refer to criteria 2 and 6. Secondly, applicants will apply under criterion 2 or criterion 6 but not both.
- b. Although the arrangements themselves specify that the completed SIF should be returned to the School, the SIF states:

“Please complete this (sic) form and return it to the LA at the same time as returning the LA application form”.

- c. Note 1 in the 2012 arrangements reads: “Parents; a parent is any person who has parental responsibility for or is the legal guardian of the child”. The School has wisely altered the heading in the 2013 arrangements to “Parent”, which avoids any suggestion that both parents have to apply. However, the SIF requires “Christian name and surname of parents/guardians” and then has a space headed “signed”, which might lead an applicant to believe that it is required for both parents/guardians to sign, which would be contrary to the Code which states that admission authorities **must not** ask both parents to sign the form. (2.4 (e))
- d. The priest or minister is asked to confirm the applicant’s “declaration regarding attendance and membership of the above church”. There is no mention in the arrangements or on the SIF of “membership”.

19. There are a number of other changes made to the arrangements which fall into one of two categories that do not require consultation. One set of changes reflect the requirements of the new Code and Regulations. Other changes make the arrangements more clear and objective for those considering making an application. As these changes therefore make the arrangements more compliant with paragraph 1.8 of the Code, they too do not require consultation.

Conclusion

20. The email exchanges that I have seen make it very clear that all concerned, and particularly the School, have wanted to fulfil their obligations appropriately. The School accepted all the suggestions of the LA and the Diocese.

21. Nevertheless, the arrangements proposed for 2013 undoubtedly did contain changes in addition to those required by law. Therefore the School as the admission authority was required to consult and failed to do so. Even had its computer system been working perfectly, publishing arrangements on a website does not fulfil the requirements of paragraphs 1.43 to 1.45 of the Code.

22. In addition there are changes I have outlined above that need to be made to the SIF in order to make it compliant with the Code.

23. It is now for the Governors with assistance from the Diocese and the LA if necessary to decide what should be done at this stage in order to comply with the Code. Proper consultation is an essential part of the process and should not be allowed to be omitted.

24. Looking further ahead, according to paragraph 1.42 of the Code, if the School did not wish to make any further changes in the next six years there

would be no requirement for any further consultation, even on these arrangements that had this year evaded the proper consultation process. So I believe that at the very least the governors would be wise to carry out a full consultation before determining the arrangements for 2014.

Determination

25. In accordance with section 88H (4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by Grazeley Parochial Church of England Aided Primary School.

I have also considered the arrangements for 2013 in accordance with section 88I (5). I determine that they do not conform with the requirements relating to admission arrangements.

By virtue of section 88K (2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements as quickly as possible.

Dated: 10 August 2012

Signed:

Schools Adjudicator: Dr Stephen Venner