



Office of
the Schools
Adjudicator

Determination

Case reference: VAR871

Admission authority: The governing board of St Bernard's Catholic Primary School, Bristol.

Date of decision: 29 August 2019

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by the governing board for St Bernard's primary school, Bristol for September 2020.

The referral

1. The governing board has referred a proposed variation for St Bernard's Catholic Primary School (the school), for September 2020 to the Office of the Schools Adjudicator (OSA). The school is a Catholic voluntary aided primary school for children aged 4 -11 in Bristol. The Diocesan authority (the diocese) for the school is the Clifton Diocese. The local authority (LA) for the area is Bristol City Council.
2. The proposed variation is to remove the requirement to submit an original baptism certificate to the school and instead permit a copy of a baptism certificate to be submitted to either the school or the local authority as part of the admissions application.

Jurisdiction

3. The referral was made in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which states that: "*where an admission authority (a) have in accordance with section 88C determined the admission arrangements which are to apply for a particular school year, but (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in circumstances occurring since they were so determined, the authority must [except in a case where the authority's proposed variations fall within any description of variations prescribed for the purposes of*

this section] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations”.

4. I am satisfied that the proposed variation is within my jurisdiction.

Procedure

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

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

- a) the governing board’s referral sent on 14 June 2019 and supporting documents;
- b) the determined arrangements for 2020 and the proposed variation to those arrangements;
- c) comments from the LA;
- d) comments from the diocese;
- e) the local authority’s information for parents seeking admission to schools in the area in September 2019;
- f) copies of the notifications sent as required by the Code.

The proposed variation

7. The school gives priority to baptised Catholics as it is permitted to do. It currently requires parents to provide the school with an original baptism certificate if they are seeking such priority in order to prove baptism. The LA has a means by which parents can submit forms and other documents as part of their common application form for school admissions. The school has considered this and recognises that it is possible that a child whose parents do not submit their original baptism certificate to the school but submit a copy via the LA will be disadvantaged and considered for a place against an oversubscription criterion with a lower priority. In seeking to remove this requirement from its arrangements the governing board considers that it will make application for a place less complicated for parents.

Consideration of the case

8. The school has written to request this variation and in response to my enquiry about what it considered to be the major change in circumstance said that *“the major change in circumstances that requires the variation is that should the word “original” remain within the admissions policy and either the local authority and/or the school receive a copy of the baptismal certificate then governors are not in a position to accept this under the agreed*

Admission Policy. This could potentially mean that in the event of over subscription, the governors would have no choice but to categorise an applicant (under a lower priority oversubscription criterion).....because the original Baptism Certificate is not received, whereas if the requirement for the original Baptism Certificate is removed, a copy of the certificate could be accepted and an applicant could be categorised under a higher oversubscription criterion. If no change is made it is possible that this could result in a place not being offered to a Baptised Catholic child, if a copy baptism certificate cannot be accepted under the Admissions Policy. “

9. The diocese supports the request for a variation on the grounds that the change removes a potential confusion for parents about where to submit a child's baptism certificate. The diocese said *“it would be very unfair for parents to be denied a school place for their child, just because a baptism certificate was sent to a Local Authority rather than directly to the school, or if it was only a copy, rather than the original certificate. It might even be deemed to be unreasonable. A parent sending it to the LA as part of the online CAF service, would probably not be aware that they had not sent it to the correct place.”*

10. The diocese also suggested that *“there are often times when the original certificate has been lost. Parishes do not necessarily keep copies but always hold a register(and so)..... to make things as flexible as possible for parents....(the school could clarify that).....the term ‘certificate’ means a certified copy of an entry in the appropriate register.”*

11. The diocese confirmed that the proposed change is in accordance with guidance issued to its schools on behalf of the Bishop.

12. The LA commented that it had not been consulted about this matter and there would be additional workload and costs incurred in forwarding baptism certificates back to the school and asks how parents are to be advised about this proposal.

13. I have considered the issues raised here and can understand that the governing board wishes to remove any potential misunderstandings within the procedures that they use. However, I am not persuaded that this matter needs to be resolved by means of a variation. The school has provided a proposed revised set of arrangements with the changes made. In making this change, the Code requires other admission authorities to be notified but it does not require a consultation with parents to have taken place. In my view this is a matter that should be managed properly by a consultation process with parents and potential parents to ensure that there is a raised awareness of the matter and that through the consultation any unintended consequences can be identified. The LA says that it was not consulted on this proposal and makes the observation that it will add to its administration costs. Its question about how parents will be advised of the change is, in my view, a valid question.

14. The published admission number (PAN) for this school is 30 and according to the information in the LA's composite prospectus there were 71 applications received for these places in 2018. Of those, 15 applicants submitted baptism certificates. If the applications

for 2020 are of a similar order I consider that it would not be difficult for the school to write to applicants after the applications had been made and advise them of the current baptism requirements and offering any parents who have not yet submitted a child's original baptism certificate the chance to do so before allocation decisions are made.

15. I do not approve the proposed variation for the reasons given above and because I can see how the school can mitigate any concerns that it might have about where parents might have submitted a child's baptism certificate and whether it was a copy or an original. The school can consider how best to consult on its proposed change with parents in preparation for the determination by the governing board for the 2021 arrangements. The diocese makes a further suggestion about a change to the arrangements and this could be considered as part of the consultation.

Determination

16. In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by the governing board for St Bernard's School, Bristol for September 2020.

Dated: 29 August 2019

Signed:

Schools Adjudicator: David Lennard Jones