

## DETERMINATION

**Case reference:** VAR/000607

**Admission Authority:** The Governing Body of Coppull St John's Church of England Primary School

**Date of decision:** 31 July 2013

### **Determination**

**In accordance with section 88E of the School Standards and Framework Act 1998, I approve, with modification, the variation to the admission arrangements determined by the Governing Body of Coppull St John's Church of England Primary School.**

**I determine that for admissions in September 2014 the second oversubscription criterion shall be ' Children whose parents live within the ecclesiastical parish of St. John the Divine, Coppull Church or Spendmore Lane Methodist Church'; and the third criterion shall be 'Children whose parents live outside the ecclesiastical parish of St. John the Divine, Coppull Church or Spendmore Lane Methodist Church.'**

### **The Referral**

1. The governing body of Coppull St John's Church of England Primary School (the school) has referred a variation to the Adjudicator about the admission arrangements for school, a voluntary aided primary school for September 2014. The variation sought is to name in the oversubscription criteria, an additional church, 'Spendmore Lane Methodist Church' which was omitted by clerical error from the 2013 admission arrangements.

### **Jurisdiction**

2. The referral was made to me 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".

3. I have considered whether a variation is necessary to deal with a clerical error. The School Admissions Code (the Code) permits only such revision as is necessary to give effect to mandatory requirement of the Code, admissions law, a determination by the Adjudicator or any misprint in the admission arrangements. My view is that a clerical error is not a misprint so I am satisfied that the proposed variation is within my jurisdiction.

## **Procedure**

4. In considering this matter I have had regard to all relevant legislation, guidance and the Code.
5. The documents I have considered in reaching my decision include:
  - a) the head teacher's letter of referral of 10 May 2013 and supporting documents;
  - b) the determined arrangements for 2014/2015 and the proposed variation to those arrangements;
  - c) a copy of Lancashire County Council's, the local authority (the LA) booklet for parents seeking admission to schools in the area in September 2014;
  - d) a copy of the letter notifying the appropriate bodies about the proposed variation; and
  - e) a copy of the letter consulting the relevant bodies about the proposed variation.
6. In addition to considering the matters raised for the variation I have also reviewed the admission arrangements as a whole and considered whether I should use my power under section 88E(6) of the Act to modify the requested variation. I am using my powers under the Act to make a modification to the requested variation.

## **Background**

7. The school is a small, voluntary aided primary school. It has a published admission number of 20. The school reports that the number of children admitted in 2011 was 17 and in 2012 it was 15. For 2013 there were 11 applications. Priority in admission arrangements in recent years was given to children whose parents live within the ecclesiastical parish of St. John the Divine, Coppull Church and Spendmore Lane Methodist Church. The last of these, Spendmore Lane Methodist Church, was omitted by clerical error from the admission arrangements for September 2013. This was noticed when the LA questioned the 2014/15 admission arrangements because the statement was included in the oversubscription criteria. The head teacher, who has been in post since 2002, asserts that the Parish boundary and admissions policy has always included Spendmore

Methodist Church.

8. The oversubscription criteria in the admission arrangements for September 2013 are as follows
  1. (a) Children in Public Care. This includes any "looked after child" and any child who was previously looked after but immediately after being looked after became subject to an adoption, residence or special guardianship order.  
  
(b) Children with special medical or social circumstances affecting the child where these needs can only be met at this school.
  2. Children whose parents live within the ecclesiastical parish of St. John the Divine, Coppull Church.
  3. Children whose parents live outside the ecclesiastical parish of St. John the Divine, Coppull Church. (in the following order)
    - (a) Children who have a sibling attending the school on the date of application and on the date of admission.
    - (b) Children with a parent/guardian worshipping in a church in membership of Churches Together in England or Evangelical Alliance.
    - (c) Other children.
9. The admission arrangements shown on the school's website include those for September 2009 and show the inclusion of Spendmore Lane Methodist Church.

### **Consideration of factors**

Among the factors I have considered are the following:

#### The reason for the request

10. The "major change in circumstances" that has resulted in the admission authority seeking a variation is the omission of a criterion which is long standing in the admission arrangements of the school.

#### Notification and view of parties

11. The head teacher has provided evidence of notification as required by the Code and of consultation. There has been no objection and the LA supports the request.

#### Impact

12. There is no evidence that this variation would have any impact on the availability of alternative provision; access to the school in question; on

other schools; or levels of oversubscription at the schools in question.

13. I have checked, as required, whether the deadline for application for school places has passed; it has not.

#### Modification of other parts of the admission arrangements for September 2014

14. Category 3 of the oversubscription criteria is "Children whose parents live outside the ecclesiastical parish of St. John the Divine, Coppull Church." This category also should include "Spendmore Lane Methodist Church" and was omitted from the variation request in error. As it clearly should be included, with the agreement of the governors I am using my powers under section 88E(6) of the Act to modify the variation to amend the oversubscription arrangements for September 2014 to read as follows;

1.
  - (a) Children in Public Care. This includes any "looked after child" and any child who was previously looked after but immediately after being looked after became subject to an adoption, residence or special guardianship order.
  - (b) Children with special medical or social circumstances affecting the child where these needs can only be met at this school.
2. Children whose parents live within the ecclesiastical parish of St. John the Divine, Coppull Church and Spendmore Lane Methodist Church.
3. Children whose parents live outside the ecclesiastical parish of St. John the Divine, Coppull Church and Spendmore Lane Methodist Church (in the following order).
  - (a) Children who have a sibling attending the school on the date of application and on the date of admission.
  - (b) Children with a parent/guardian worshipping in a church in membership of Churches Together in England or Evangelical Alliance.
  - (c) Other children.

#### **Conclusion**

15. The school is undersubscribed and has been for several years. Due to an administrative oversight a parish usually included in the oversubscription criteria was omitted. When I viewed the request it was clear that the parish had also been omitted from the next criterion. I have modified the variation with the agreement of the governing body to include the parish of Spendmore Lane Methodist Church to restore the oversubscription criteria to the previous, usual arrangements.

## **Determination**

16. In accordance with section 88E of the School Standards and Framework Act 1998, I approve with modification the variation to the admission arrangements determined by The Governing Body of Coppull St John's Church of England Primary School
  
17. I determine that for admissions in September 2014 the second oversubscription criterion shall be 'Children whose parents live within the ecclesiastical parish of St. John the Divine, Coppull Church or Spendmore Lane Methodist Church' and the third criterion shall be 'Children whose parents live outside the ecclesiastical parish of St. John the Divine, Coppull Church or Spendmore Lane Methodist Church.'

Dated: 31 July 2013

Signed:

Schools Adjudicator: Mrs Jill Pullen