



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: ADA2791

Objector: The Fair Admissions Campaign

Admission Authority: The governing body of St Gregory's Catholic College, Bath

Date of decision: 24 October 2014

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by the governing body of St Gregory's Catholic College, Bath, for admissions in September 2015.

I have also considered the arrangements in accordance with section 88I(5). I determine that the arrangements do not conform with the requirements of the School Admissions Code.

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 Office of the Schools Adjudicator by the Fair Admissions Campaign (the objector), about the admission arrangements (the arrangements) for St Gregory's Catholic College (the school), a voluntary aided Catholic secondary school for September 2015. The objection is to the arrangements possibly not being determined, not being published once determined including the supplementary information form (SIF); the requirement for all applicants to complete the SIF; incomplete information on the requirement to admit pupils who have a statement of special educational needs that names the school; giving preference to children who have two parents who are members of a faith over those with just one; not specifying how many years those of other Christian denominations need to have practised their faith in order to meet the relevant criterion; the SIF requiring information on the child's gender and details of both parents; the SIF requiring the parent to sign to "*abide by the college's rules and conditions*"; and the arrangements not clearly defining aptitude when this is included in the oversubscription criteria.

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 the objection to the determined arrangements for September 2015 on 30 June 2014. I am satisfied that the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

Procedure

3. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
4. The documents I have considered in reaching my decision include:
 - a. the objection dated 30 June 2014;
 - b. the school's response to the objection, supporting documents and responses to my enquiries;
 - c. responses from the Clifton Diocese (the diocese) to the objection and my enquiries and the guidance on admissions provided to schools by the diocese dated autumn 2012;
 - d. information provided by the Bath and North East Somerset Council (the local authority) including responses to my enquiries, its composite prospectus for secondary admissions for 2014 and information it makes available on-line for 2015, a map of secondary schools in Bath; confirmation that the arrangements had been provided to the local authority and published on its website; and a copy of its common application form (CAF);
 - e. copies of the CAF used by the local authorities of Bristol, Somerset, South Gloucestershire and Wiltshire;
 - f. confirmation of when consultation on the arrangements last took place;
 - g. copies of the minutes of the meeting of the governing body at which the arrangements were determined; and
 - h. a copy of the determined arrangements.
5. I have also taken account of information received during a meeting I convened on 8 September 2014 (the meeting) at the school which was attended by representatives of the school, the local authority and the diocese.
6. The objector asked not to be copied into any correspondence or to attend any meetings relating to the objection and so did not play any part after the initial objection.

The Objection

7. The objection is to:

- a) “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;
- b) 1.47 (2015 SIF also not published). The rest of the complaint therefore refers to the 2014 SIF;
- c) 2.4 (‘parents/carers should complete an ‘Additional Information Form’ – even if they are applying for the lowest category?);
- d) 1.7 (admissions policy does not make clear that any statements naming the school get automatic entry);
- e) 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);
- f) 1.8/14/1.37 (criteria 6.6 – doesn’t specify how many years the worship must be for);
- g) 2.4 (SIF asks for pupil’s gender, details for both parents/carers (not just one));
- h) 1.9a) (SIF requires signee to ‘agree to abide by the college’s rules and Conditions’); and
- i) 1.8/14 (how aptitude is measured is not well defined).”

Other Matters

8. In the course of considering the objection, I reviewed the arrangements as a whole. The arrangements appeared not to conform with the requirements relating to admissions as follows:
 - a. the consultation undertaken before the arrangements were determined did not include consulting with parents and so may not conform with paragraph 1.44 of the Code;
 - b. there is no statement in the oversubscription criteria on the priority given to previously looked after children and so may not conform with paragraph 1.7 of the Code;
 - c. there were various statements in the arrangements that were not clear which included: how long a waiting list would be held by the school; the meaning of the priority given to ‘Catholic children who do not have a designated school to attend’; the priority given to a sibling within any category; the statement regarding “filling” categories which implies that there is a limited number of places in each category; the lack of clarity on the nature of the final tie-breaker; and referring to a code of practice when meaning the School Admissions Code;
 - d. the lack of clear information on the catchment area of the school which may contravene paragraph 1.14 of the Code;
 - e. the information requested on the SIF for admission to year 7 and to year 12 include matters irrelevant to applying the arrangements which may not conform with paragraph 2.4 of the Code;
 - f. the SIF for year 7 applications may require the signatures of two parents which may not conform with paragraph 2.4e of the Code; and
 - g. the school asks for references for students from other schools applying for places in year 12 which may contravene paragraph 1.9g of the Code.

Background

9. St. Gregory's Catholic College is a voluntary aided secondary school for children aged between 11 and 18 situated on the southern edge of Bath. The school is within the Clifton Diocese which works with the school and other Catholic schools to try to ensure that every Catholic child who wishes for a Catholic education is able to attend a Catholic school. The school was judged outstanding by Ofsted in 2013 and is over-subscribed.
10. The provision for post-16 education opened in September 2013 in a partnership with another secondary school, St Mark's Church of England School, but each school manages its own admissions.
11. When I began my investigation the 2015 arrangements, neither the draft arrangements as referred to in the objection, nor the final arrangements were on the school's website and so I have used the arrangements as provided to me by the school, and the information on the school's website which is available to parents.

Consideration of Factors

12. The objection contains several matters and I will consider them in the order of the objection. The first matter is whether the school had determined its arrangements for September 2015 as required by the Code. The school determined its arrangements for September 2015 at the meeting of its governing body on 13 March 2014 and so met its duty in this regard. I do not uphold this part of the objection.
13. The objector then refers to the lack of publication of the arrangements if they were determined. The school did not publish its arrangements for 2015 on the school's website until September 2014. The diocese told me in its letter dated 21 August 2014 that it advised schools not to publish arrangements before September as the arrangements did not come into effect until then. The diocese felt that publishing them earlier could confuse parents and particularly those who were making appeals against decisions for admission to the school for the September.
14. This practice does not meet the requirement of the Code which says in paragraph 1.47, "*Once admission authorities have determined their admission arrangements, they **must** notify the appropriate bodies and **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).*" The diocese had placed the emphasis on "*displaying them for the whole offer year*" as opposed to publishing them once determined. I believe that this was a misunderstanding but the requirement to publish once determined allows parents and others to see the arrangements and make a timely objection if they wish. I uphold this part of the objection.
15. The SIF is part of the arrangements as are other related documents and so paragraph 1.47 (see above) does apply. The SIF and related documents

must be published, with the rest of the arrangements, once determined. The school does not conform with the requirements of the Code as the whole of the arrangements for 2015 should have been on the website once determined. I uphold this part of the objection.

16. The next aspect of the objection concerns the requirement that all applicants should complete the SIF, called an additional information form in the arrangements. The arrangements say, *"In addition parents/carers should complete an 'Additional Information Form' issued by the College in order that the governors may apply their admissions policy fairly and consistently. Failure to do so may affect which category of applicant a child is placed into. These forms should be returned to the Admissions Officer at St Gregory's by 31 October 2014."* The objector asked, *"even if they are applying for the lowest category?"*
17. The school in its letter in response to the objection dated 15 August 2014 said, *"Technically, parents/carers are not applying for any category. They are applying for a place in the school and it is the role of governors to allocate a category to each application to help them allocate places in the case of oversubscription. This is why all applicants are asked to complete an Additional Information Form (SIF)."*
18. The diocese in its letter dated 21 August 2014 expressed the view that applicants are only told that they should complete the form, not that they must. It is my view that most applicants would assume that they must complete the form as there is a strong recommendation that they should do so and no suggestion of any exemptions. The SIF does specify some sections that are for some categories only, which is helpful, but most sections have no such guidance so it would be reasonable for parents to believe that they need to complete all these parts.
19. The view of the diocese was that if all applicants completed the SIF there was less chance of some families not providing the information required and creating difficulties and unnecessary upset when places were allocated. The diocese described the CAF as very confusing, particularly for those for whom English was not their first language. This point was emphasised at our meeting when the school talked of families from eastern Europe who were Catholic but did not understand what evidence they needed to provide.
20. Paragraph 2.4 of the Code allows that some schools will need to ask for further information in order to process applications but also states, *"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."* It is my view that this means that information should not be requested when it is not relevant.
21. The arrangements include, *"In the event of over subscription, the governors will offer places according to the following criteria applied in sequence:*

- 6.1 *Baptised Catholic children in public care (looked after children).*
- 6.2 *Other Baptised Catholics within the designated area of the college and any baptised Catholics at Our Lady of Lourdes school in Kingswood*
- 6.3 *Catholic children who do not have a designated school to attend*
- 6.4 *Other children in public care (looked after children)*
- 6.5 *Any children within the designated area attending any of the eight Catholic partner primary schools of the South Clifton Catholic Federation i.e. St. John's, Bath; St. Mary's, Bath; St Benedict's, Midsomer Norton, SS Joseph and Teresa, Wells; St Paul's, Yate; St. Patrick's, Corsham (i.e. those living in St. Patrick's parish); St Mary's, Chippenham; and any child attending Our Lady of Lourdes, Kingswood.*
- 6.6 *Children who live in the designated area whose parents are members of, and adherents to, other Christian denominations.*
- 6.7 *According to the provisions set out in section 102 of the 1998 Standards and Framework Act (also: paragraphs A. 69 – 72 of the School Admissions Code of Conduct) the governors will offer up to 16 (i.e. 10%) places to those pupils who can demonstrate an aptitude in the performing arts i.e. Music, Dance, Drama and who live in the designated area.*
- 6.8 *Other children (i.e. who don't come under 6.1-6.6) within the designated area with brothers or sisters already at the College at the date of application and who will be in attendance at the time of admission.*
- 6.9 *Other children within the designated area.*
- 6.10 *All other children.*

For categories 6.1, 6.2, 6.3 a baptismal certificate must be submitted with the College's Additional Information Form for applicants to be considered within these categories."

22. The information required for over-subscription criteria 6.4, 6.5, 6.9 and 6.10 is already included in the CAF and so the school should not expect all parents to also complete the SIF as this does not conform with paragraph 2.4 of the Code. It can and should make it clear to potential applicants when they should complete the SIF, when they should complete particular parts of the SIF and when it is not necessary.

23. I asked to see the CAF for the local authority to check what information it contained which may be repeated in the SIF. The diocese informed me in an email dated 1 October 2014 that, "schools do not always receive these forms. The local authority usually sends the list of applicants for governors to rank therefore without the SIF the school is not always aware of the fact that they have ticked the faith box." I asked for further clarification on this matter from the local authority. In a further email dated 12 October the diocese said, "it is not only from Bath and North East Somerset that St Gregory's receive students they also receive students from Bristol, South Gloucestershire, Wiltshire and Somerset and so their forms and procedures also need to be looked at and considered."

24. The CAFs for all these local authorities contain much of the information required by the school and asked for again in the SIF. The local authority also confirmed by email on 14 October 2014 that the school receives all the

information on the CAF with the exception of the ranking preferences. For applications from outside the local authority area, the information supplied by parents on the CAFs of other local authorities is sent to the local authority and also included in the information sent to the school. This is how the system is designed to work so that parents do not have to provide unnecessary duplicate information. Nor should parents be asked to complete additional forms with information that is not pertinent to their application. The school is not conforming with the Code in this regard and therefore I uphold this part of the objection.

25. The objector says that the, *“admissions policy does not make clear that any statements naming the school get automatic entry.”* The arrangements say, *“There is a different procedure for the admission to school for children with Statements of Special Educational Needs: it is administered by the LA (local authority) in whose area the family lives. The LA is responsible for issuing the Statement and consulting parents and the governing body of St Gregory’s, if a preference has been made for the college, before the college is named in the Statement.”* This is accurate but falls short of the clarity required of arrangements by the Code. The requirements are that, as in paragraph 1.6, not paragraph 1.7 as stated by the objector, that *“All children whose statement of special educational needs (SEN) names the school **must** be admitted,”* and that, as in paragraph 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.”* The current wording does not explain to a parent the right of a child with the school named on its statement of special educational need to be admitted nor does it make clear for other parents that some of the available places could be allocated before any of the oversubscription criteria are applied if the school is oversubscribed. So, the arrangements do not conform with the requirements of the Code. I uphold this part of the objection.
26. Part of the objection is that oversubscription criterion 6.6, *“gives preference to children who have two parents who are members/adherents of a faith over those with just one.”* 6.6 is, *“Children who live in the designated area whose parents are members of, and adherents to, other Christian denominations.”* The objector refers to paragraph 1.8 of the Code which includes. *“Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs, and that other policies around school uniform or school trips do not discourage parents from applying for a place for their child.”* The objector also cites paragraph 14 of the Code (see above).
27. The school, in using the term, *“parents”* may appear to be prioritising those with two living parents who are part of a faith over those with one. If being a single parent is interpreted as being part of a ‘social group,’ then this

would not conform with the Code. It is not my view, however, that being a single parent is being part of a social group. In its letter dated 15 August 2014 the school said, *“This is not intended to discriminate against (sic) children with two parents and has never been used in this way.”* It is my view that it would not be fair to give priority to families where there are two living parents rather than one but the arrangements may give this impression and need to be clearer. The arrangements do not meet the requirement of paragraph 14 for clarity and therefore I partially uphold this part of the objection.

28. The objection includes, *“not specifying how many years those of other Christian denominations need to have practised their faith in order to meet the relevant criterion,”* and refers to paragraphs 1.8 (see above), 14 (see above) and 1.37 of the Code. This part of the objection is also about over-subscription criterion 6.6 which is, *“Children who live in the designated area whose parents are members of, and adherents to, other Christian denominations.”* This is further defined in the arrangements as, *“For category 6.6 a member of other Christian denominations is a person who is baptised or initiated according to the rites of that denomination. Adherence means current and regular worship (regular means once a month attendance at church). According to the advice of Clifton Diocese adherence to that denomination needs to be supported by a minister of that denomination; a letter of reference Proforma, available from the College, completed by a minister of religion therefore must be submitted with the College’s Additional Information Form for applicants to be considered within this category.”*
29. The diocese advised me in its letter dated 21 August 2014 and at our meeting that it would not recommend specifying for how long a family has worshipped as they feel that this could be discriminatory against those who have recently converted or moved to the country or parish. Paragraph 1.37 of the Code is that, *“Admission authorities **must** ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied.”* At our meeting the school said that it understood that the application of the criterion may mean that the family may have only attended church once and was willing to accept that. I understand the advice of the diocese in this matter but am aware that, without further advice, different ministers may interpret *“current and regular worship”* in different ways and thus there could be inconsistency in application. Regular attendance is defined as once a month but it is open to interpretation whether this would mean just once or for a sustained period. It is also possible that parents may not be clear as to whether their practice would meet the criteria even though the school is undemanding in this regard.
30. I have balanced these factors in my consideration. The arrangements clearly state the school’s requirements. However the lack of specific advice on meeting the criteria could lead to inconsistency in application so that the same practice may be interpreted differently by different ministers which is not fair and objective. Furthermore, there is some lack of clarity for parents. In these circumstances I partially uphold this part of the objection.

31. The next part of the objection is that the SIF “*asks for pupil’s gender, details for both parents/carers (not just one),*” and refers to paragraph 2.4 of the Code which includes, “*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.*”
32. The gender of the pupil is immaterial to the application of the oversubscription criteria and therefore should not be requested in the SIF. The SIF also provides space for information on both parents, including both addresses if they are living separately to the child. The information on both parents should not be requested as it is not material to the application of the over-subscription criteria. This does not conform therefore, with the Code. I uphold this part of the objection.
33. The objection is also that the SIF “*requires signee to ‘agree to abide by the college’s rules and conditions.’*” The objector refers to paragraph 1.9a of the Code which states that admission authorities **must** not, “*place any conditions on the consideration of any application other than those in the oversubscription criteria published in their admission arrangements.*” Asking a parent to sign acceptance to the school’s rules and conditions on the SIF would indicate that this is part of the admission arrangements which it cannot be. This does not therefore conform with the requirements of the Code and so I uphold this part of the objection.
34. The objection includes that the school does not clearly define aptitude which is 6.7 of the oversubscription criteria. A specific form is provided for this purpose in addition to the SIF and requests, “*details of aptitude in the performing arts (include copies of certificates/aptitude levels) e.g. Music, Drama, Dance.*” There is no other guidance regarding this. The school responded to this point of the objection in its letter dated 15 August 2014 by saying, “*The policy for entry to Year 7 states that the oversubscription in Category 6.7 will be determined by auditions organised and assessed by specialist staff. We regard this as a clear definition. Any further details of the content of an audition will be sent to applicants prior to the audition.*”
35. Auditions, however, are only held if there are more applications than the maximum 16 places available. The school said that it has never had to hold auditions, as far as it could recall, because of the number of applications to be considered for priority against this criterion. These places are meant to be for aptitude and it is not clear how the actions set out by the college meet the terms laid out in the Code for assessment of aptitude. At the meeting we discussed the differences between participating, achievement and aptitude. A child, for example, could have a certificate of attendance and we agreed that this would not evidence aptitude. Using certificates of achievement as the evidence is evidence of ability and achievement and not aptitude and therefore contravenes the Code at paragraph 1.32 which is that admission authorities **must** “*ensure that tests for aptitude in a particular subject are designed to test only for*

aptitude in the subject concerned, and not for ability.” If a criterion is included then it is necessary to be clear on what evidence is required to show if a child fulfils it.

36. The test of whether the level of aptitude is acceptable is not clear and there is no indication when and how parents will be informed that the test has been met. This does not conform therefore with paragraph 1.31 of the Code which says that “*tests for all forms of selection **must** be clear, objective, and give an accurate reflection of the child’s ability or aptitude.*” The school also appears not to conform to paragraph 1.32c of the Code which says that admission authorities **must** “*take all reasonable steps to inform parents of the outcome of selection tests before the closing date for secondary applications on 31 October so as to allow parents time to make an informed choice of school - while making clear that this does not equate to a guarantee of a selective place.*” The arrangements for assessing aptitude do not comply with the Code. If the school wishes to continue to allocate up to 10 per cent of places for aptitude in the performing arts then it must put in place assessments that meet the terms of the Code. I uphold this part of the objection.

Other Matters

37. The school has consulted every year, even though it need only consult every seven years unless there is a proposed change to the arrangements. However the school had no evidence of consulting with parents as required by paragraph 1.44a of the Code which states, “*Admission authorities **must** consult with parents of children between the ages of two and eighteen.*” The arrangements therefore do not conform with the Code in this regard.
38. The oversubscription criteria include 6.1 which is for “*Baptised Catholic children in public care (looked after children)*” and 6.4 which is for “*Other children in public care (looked after children).*” The Code states in paragraph 1.7 that, “*All schools **must** have oversubscription criteria for each ‘relevant age group’ and the highest priority **must** be given, unless otherwise provided in this Code, to looked after children and previously looked after children. Previously looked after children are 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).*”
39. The school does give further definition at a later point in its arrangements which includes previously looked after children but this is insufficient. It must be clear in the oversubscription criteria that it refers to both looked after and previously looked after children as defined by the Code.
40. The arrangements state that, “*A waiting list, including late applications from families moving into the area or who were otherwise unable to apply by the specified date, will be maintained until the end of the academic year in line with the Local Authority’s co-ordinated scheme.*” It is not clear to which academic year this refers. The Code, in 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” and it is not clear that this is the practice.

41. The arrangements also need to state, as per the same paragraph 2.14 of the Code, *“that each added child will require the list to be ranked again in line with the published oversubscription criteria.”* It is not stated that the waiting list will be ranked again when a child joins the waiting list and this does not conform with the Code.
42. Criterion 6.3 of the over-subscription criteria is, *“Catholic children who do not have a designated school to attend.”* At the meeting I asked what this meant. It was explained to me that the diocese worked with the Catholic schools so that wherever a Catholic child lived, they were in the catchment area of a Catholic school; catchment areas are based on parishes. This was not achievable in all cases and so the arrangements tried to address any gap so that any Catholic child who could not attend a Catholic primary school had the opportunity to attend a Catholic secondary school. We agreed that the wording was not sufficiently clear and needed to be revised.
43. Under the heading of *‘tie-breaker’* the arrangements say, *“Categories are filled in order, beginning with 6.1. When applications exceed the number of places available in any category, places for that and all remaining categories will be allocated using the ‘random allocation’ technique in front of a witness with no connection to the College. When using random allocation within a category, priority will be given initially to sibling applicants who will be drawn first.”* This needs to be revised because: with the exception of 6.7, none of the over-subscription criteria have a fixed number of places available and so this makes little sense; there is no explanation of what *“random allocation”* means; and, in the context of the whole, it is not clear what priority is given to sibling applicants. This is also not a clear tie-breaker as required under paragraph 1.8 of the Code.
44. The arrangements refer to a *“new Code of Practice for Admissions,”* as opposed to the statutory School Admissions Code and so are not accurate. Furthermore I am puzzled by the wording in oversubscription 6.7 in relation to *“paragraph A.69-72 of the School Admissions Code of Conduct”*. There are no such paragraphs in the Code that is currently in force. They appear to be a reference to material in the 2003 Code and should be removed.
45. The over-subscription criteria use catchment areas. Criteria 6.2, 6.5, 6.6, 6.8 and 6.9 are all based on the designated area of the school. The arrangements say that, *“A map of the designated area is available on request.”* At our meeting I asked why there was not a map or a description of the designated area on the website and I was told that there was one map which was copied and handed out when required. This is not sufficient. Paragraph 1.14 of the Code states that, *“Catchment areas **must** be designed so they are reasonable and clearly defined.”* It is also necessary that the arrangements must be easily understandable. In my view this means that any catchment area information must be clear and easily available to parents and this is currently not the case.

46. Criterion 6.5 in the over-subscription criteria is for children living in the designated area, although the word, 'living' is not used, and attending one of the eight Catholic primary schools or any child attending Our Lady of Lourdes School. An explanation is added for one Catholic primary school only so the list reads, "*St. Patrick's, Corsham (i.e those living in St. Patrick's parish).*" It was clarified for me at the meeting that actually the situation is exactly the same for all the eight schools but the school had been asked to add this in order to clarify the situation for St. Patrick's. It is my view that this only adds confusion because it implies a difference when there is none. The wording used in the over-subscription criteria needs to be as clear as possible to someone not familiar with the Catholic parishes and school areas.
47. The SIF covers all aspects of the criteria and says that it is also for applications for places out of the normal round of admissions. This means that all applicants are asked for information for all possible aspects which has the effect of requesting information that may be irrelevant to the purpose. For example, the only requirement, beyond that already provided in the CAF, of 6.1, 6.2 and 6.3 of the over-subscription criteria, is the provision of a baptismal certificate. This means there is no need, for example, to state the faith of the child on the form or provide any of the other information requested. It is not consistently clear on the form why information is requested so many parents will complete most sections when this is not necessary or appropriate.
48. We discussed at the meeting why some of the information was requested and the school agreed that the form should only ask for information that was required to apply the over-subscription criteria. This would not, for example, include information on which church is attended for Catholic applicants, emergency contact details and the date of entry to the previous school.
49. Paragraph 2.4e of the Code states that a SIF must not ask for, "*both parents to sign the form.*" The SIF for the school does not specify that both parents should sign the form but it refers to "*parents/carers*" in the space for signatures which can be interpreted as requiring both signatures. The SIF must make it clear that only one parent or carer need sign the form.
50. Oversubscription criterion 6.6 requires a form to be signed by a minister of religion. I do not consider that it is necessary for applicants to complete both the SIF and the proforma; the relevant information requested on the SIF is included in the proforma. The proforma also asks that the minister "*endorses and supports*" the application. This is not part of criterion 6.6 and must not be included as this information is irrelevant to the application of the oversubscription criteria.
51. If a child fulfils none of the oversubscription criteria 6.1 to 6.6, they may wish to be considered under 6.7 which relates to aptitude. There is a form specifically for 6.7. It should not be necessary for the SIF to be completed as well. It should be clear to applicants if they fulfil the oversubscription criteria 6.1 to 6.6 or not. They will know if they are, for example, a baptised

Catholic, a looked after child or if they attend a named Catholic school. I can see no reason why those who know that they will not fulfil the earlier oversubscription criteria should complete the SIF in addition to the specific relevant form for 6.7. The form for 6.7 should also only request relevant information, gender is irrelevant for example. Again, only one parent should be expected to provide information.

52. The examination entrance requirements for internal and external applicants for year 12 are the same and meet the requirements of the Code in this respect. The over-subscription criteria for external applicants for year 12 for September 2015 are:

1. *“Students in the care of the Local Authority, or who have been previously and are now formally adopted or became subject to a residence order or special guardianship order and who have met the Sixth Form published examination entrance requirement for the courses by the time of admission.*
2. *Students who are baptised Catholics and who have met the published examination entrance requirements by the time of admission. A baptismal certificate will be required to be submitted with the application.*
3. *Students who are practising members of other Christian organisations and who have met the published examination entrance requirements by the time of admission. A Supplementary Information Form will need to be completed to demonstrate religious practice and/or attendance.*
4. *Other students who have met the published examination entrance requirements by the time of admission.”*

53. The application form for year 12 has sections for: gender; *“any specific Learning/Emotional/Behavioural concerns;”* *“a disability or learning need that you would like to tell us about;”* a personal statement of why the applicant wishes to join the school; and the names of two referees (with the statement that the application cannot be processed without a referee).

54. The information on gender is irrelevant to the over-subscription criteria and therefore should not be requested. Paragraph 2.4 of the Code says that admission authorities **must not** ask for, *“any details about a child’s disabilities, special educational needs or medical conditions.”* This is information which can be requested when a child has a place at the school but not in advance of a place being offered as it is not part of the oversubscription criteria and does not conform with the Code.

55. Paragraph 1.9a of the Code states that an admission authority **must not**, *“place any condition on the consideration of any application other than those in the oversubscription criteria published in their admission arrangements.”* The school therefore does not conform with the Code in requesting a personal statement.

56. Paragraph 1.9g of the Code says that an admission authority must not, *“take account of reports from previous schools about children’s past*

behaviour, attendance, attitude or achievement.” The school does not conform with the Code as it asks for references.

57. Neither the application form nor the SIF have space for information on whether a child is looked after or previously looked after and I asked the school how it gathered this information. In an email dated 30 September 2014 the school explained, “*When external applicants apply we contact their current school for a reference and additional information – this is when we would find out such background information as looked after.*” Information relating to applying oversubscription should be requested on an application form and this would include whether a child is looked after or previously looked after. The school’s application form needs to request the relevant information for its oversubscription criteria but no more.

Conclusion

58. I have considered the arrangements as detailed above. There are matters on which the arrangements do not conform with the requirements of the Code and on these I uphold the objection. These are: the arrangements not being published once determined; the SIF for 2015 not being published on the school’s website once determined; the requirement for all applicants to complete the SIF; incomplete information on the requirement to admit pupils who have a statement of special educational needs that names the school; the SIF requiring information on the child’s gender and details of both parents; the SIF requiring the parent to sign to “*abide by the college’s rules and conditions*”; and not clearly defining aptitude.

59. I partially uphold the objection with regard to giving preference to children who have two parents who are members/adherents of a faith over those with just one as the current wording is potentially misleading; and not specifying how many years those of other Christian denominations need to have practised their faith in order to meet the relevant criterion as the lack of specification could be interpreted in different ways.

60. I do not uphold the objection with regard to the school not determining its arrangements.

61. I have also considered the arrangements as a whole for admission to the school in September 2015 and have concluded that several aspects of the arrangements, as detailed above, do not comply with the Code. The Code requires the admission authority to revise its admission arrangements as quickly as possible with regard to these other issues of non-compliance.

Determination

62. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by the governing body of St Gregory’s Catholic College, Bath, for admissions in September 2015.

63. I have also considered the arrangements in accordance with section 88I(5). I determine that the arrangements do not conform with the requirements of the School Admissions Code.

64. 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: 24 October 2014

Signed:

Schools Adjudicator: Mrs Deborah Pritchard