

DETERMINATION

Case reference: VAR/000605

Admission Authority: The Governing Body of St Ambrose Barlow Roman Catholic High School

Local Authority: Salford City Council

Date of decision: 24 July 2013

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the governing body of St Ambrose Roman Catholic High School.

I determine that for admissions in September 2014 St Edmund's Primary School, Little Hulton and Christ the King Primary School, Walkden be listed as feeder primary schools.

The referral

1. The governing body of St Ambrose Barlow Roman Catholic High School (the school) has referred a variation to the Office of the School Adjudicator about the admission arrangements for the school, a voluntary aided secondary school, for September 2014. The variation is to increase the published admission number (PAN) from 150 to 210 and to include two additional feeder primary schools, St Edmund's Primary School, Little Hulton and Christ the King Primary School, Walkden. These changes are sought as a result of the decision to close St George's Roman Catholic High School and this enlargement will help accommodate displaced pupils.

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 am satisfied that the proposed variation in relation to the addition of two named feeder schools is within my jurisdiction. Regulation 20 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 and paragraph 3.7 of the School Admissions Code (the Code) allow an admission authority to make a variation to increase the determined admission number without being referred to the adjudicator and therefore I am not making a determination in respect of the increase in PAN.

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 chair of governors letter of referral of 7 June 2013 and supporting documents;
 - b. the determined arrangements for 2014/2015 and the proposed variation to those arrangements;
 - c. a copy of Salford City Council's (the council) booklet for parents seeking admission to schools in the area in September 2013;
 - d. a copy of the letter dated 3 June 2013 notifying the appropriate bodies about the proposed variation; and
 - e. confirmation letters from the council and the Diocese of Salford (the diocese) that they are in support of the requested variation.

Other matters

6. In addition to considering the matters raised for the variation, under section 88I of the Act I have considered the arrangements as a whole. There are matters that I have brought to the attention of the school and the school has agreed that these will be amended within the 2014 admission arrangements as permitted variations so that these matters achieve compliance with the Code. The first is that there is no reference to children with statements of special educational need (SEN) within the arrangements. The school must admit a child with a statement of SEN that names the school, paragraph 1.6 of the Code refers.
7. The second point is that the arrangements made reference to children being given priority for admission if they had attended a catholic primary school. Paragraph 1.9b of the Code does not permit this. Admission arrangements may only take account of a previous school attended if it is a named feeder school. The school has agreed to remove this reference from the arrangements.

8. Following correspondence and clarification with the school, a request for the inclusion of a reference to the Diocesan Sacramental Programme has been removed from the proposed variation to the arrangements.

Background and consideration of factors

9. The school is part of a “Building Schools for the Future” development in Salford. Within this overall development a decision has been made to close St George’s RC High School in September 2014. This decision was made after the school had set its admission arrangements for 2014 on 13 March 2013. In consequence, on 18 April 2013 the school management committee on behalf of the full governing body agreed to seek a variation to the arrangements from the adjudicator.
10. The variation requested was to increase the PAN for the school from 150 to 210; to add two additional primary schools from St George’s School’s catchment area to the list of the school’s feeder primary schools and to ask for evidence that the Diocesan Sacramental Programme had been completed by applicants. The school has subsequently withdrawn its request that completion of the Diocesan Sacramental Programme be included as part of the admission arrangements. This change had not been the subject of consultation and there was no evidence that diocesan advice had been taken into account in making this request or that the change was compliant with the Code. As a result of the withdrawal of this element of the request and as I do not have jurisdiction to make a determination on the increase in PAN, the final variation under consideration is to add two feeder primary schools.
11. The council has explained that when St George’s RC High School closes in August 2014, all pupils on roll at the time will be transferred to St Ambrose Barlow RC High School. Applications for year 7 from September 2014 onwards will use the proposed admission criteria as requested in the variation by the school.
12. Approximately 50 per cent of the pupils in the current pupil cohort at St George’s School are Catholic. The percentage of Catholic pupils at St Ambrose Barlow School is higher at approximately 90 per cent. By varying the published admission criteria for St Ambrose Barlow School to include the parishes formerly served by St George’s School, the council considers that the school will be able to accommodate requests for admission during the normal admissions round for all Catholic children seeking a place at the school. The council considers that there will then be places remaining that can be allocated to other children who have given the school as a preference.

13. The council has also planned that children who are not Catholic and who would have attended St George's School had it remained open and who cannot be offered a place at St Ambrose Barlow School can be accommodated at other local community schools with surplus capacity.
14. The 60 additional places that have been made available at the school for September 2013 have been allocated to 60 pupils who had previously been allocated a place at St George's School. All 98 pupils who had been allocated a place at St George's School for September 2013 were given the option to apply for one of the 60 additional places at St Ambrose Barlow School. Sixty eight pupils chose to apply for a place and the remaining 30 chose to apply to another local community school instead. The 60 available places were allocated according to the school's current admission arrangements. Both Catholic and non-Catholic children were offered places. The remaining 8 pupils were offered places at their second or third preference schools or at the school nearest to their home address.
15. The deadline for applying for school places under these varied arrangements will be 31 October 2013 so I consider that there is sufficient time for the variation to be included within the coordinated arrangements published by the council.

Conclusion

16. The Code allows an admission authority to make a variation to the determined admission number without being referred to the adjudicator and therefore I am not making a determination in respect of the increase in PAN. The school has withdrawn its request to add a reference to the Diocesan Sacramental Programme to its arrangements, so I have not considered this. The variation that I have considered is the addition of two feeder schools to the admission arrangements. The council has clearly explained the rationale for this request and how it will ensure there are sufficient replacement denominational and non-denominational places for the school that is closing and for this reason I approve the addition of the two named feeder schools.
17. The school has responded positively to my comments about two points of non-compliance with the Code and has agreed to add a suitable reference to arrangements concerning the admission of children with a statement of SEN naming the school and to remove the reference to attendance at schools that are not named as a feeder school. It may make these changes as a permitted variation.

Determination

18. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the governing body of St Ambrose Roman Catholic High School
19. I determine that for admissions in September 2014 St Edmund's Primary School, Little Hulton and Christ the King Primary School, Walkden be listed as feeder primary schools

Dated: 24 July 2013

Signed:

Schools Adjudicator: David Lennard Jones