

DETERMINATION

Case reference: VAR/000609

Admission Authority: The governing body of Great Crosby Catholic Primary School, Crosby

Date of decision: 6 September 2013

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements for Great Crosby Catholic Primary School.

I determine that for admissions in September 2014 the admission arrangements shall include priority for baptised Catholic children who have a brother or sister at the school at the time of likely admission, living in the designated Parishes of Ss Peter and Paul and St Helens.

The referral

1. The school, on behalf of the governing body which is the admission authority, has referred a variation to the Adjudicator about the admission arrangements (the arrangements) for the school, a voluntary aided Catholic primary school, for September 2014.
2. The request is to vary the arrangements to include, at oversubscription criterion 2(a), priority for admission to the school for baptised Catholic children who have a brother or sister at the school at the time of likely admission, living in the designated Parishes of Ss Peter and Paul and St Helens. The current criterion 2 for baptised Catholic children living in the designated Parishes of Ss Peter and Paul and St Helens will become 2(b). The other criteria would remain the same.

Jurisdiction

3. 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'.

4. The original referral was made by the school on 17 April 2013 but it became apparent that it was the admissions committee of the governing body, rather than the governing body itself, which had agreed the proposed changes. The school withdrew the variation request until such time as the governing body had met to agree the changes proposed. The governing body agreed the changes proposed to the arrangements on 9 July 2013 and the variation form was amended and resubmitted on 11 July 2013. I am now satisfied that the proposed variation is within my jurisdiction.

Procedure

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

6. The documents I have considered in reaching my decision include:
- a. the school's original referral of 17 April 2013, supporting documents and subsequent correspondence;
 - b. the amended referral resubmitted on 11 July 2013, supporting documents and subsequent correspondence;
 - c. the determined arrangements for 2014 and the proposed variation to those arrangements;
 - d. a copy of the minutes of the governing body meeting, dated 12 March 2013, at which the 2014 arrangements were determined;
 - e. a copy of the minutes of the admissions committee meeting of 20 March 2013 at which allocations of places were discussed;
 - f. a copy of the minutes of the governing body meeting, dated 9 July 2013, at which the changes to the 2014 determined arrangements were agreed;
 - g. the relevant page from the Sefton Metropolitan Borough Council (the council) on-line booklet for parents seeking admission to schools in the area in September 2013, as supplied by the school;
 - h. the council's responses to the proposed variation, dated 20 May and 16 July 2013, with related correspondence including a map of local schools in the area;
 - i. a response to the proposed variation from the Roman Catholic Diocese of Liverpool, dated 26 May and 24 July 2013; and
 - j. a copy of the letter to those being notified about the proposed variation, dated 30 April 2013.

Background and Consideration of Factors

7. The school is a co-educational Catholic primary school for children aged 4 to 11 years under the trusteeship of the Archdiocese of Liverpool. The governing body is the admissions authority for this voluntary aided school

which has a published admission number (PAN) of 90. The school serves in the first instance baptised Catholic children living in the Parishes of Ss Peter & Paul and St Helen.

8. When there are more applications than places, the governing body had determined that the oversubscription criteria against which places would be allocated at the school would be as follows:

- 1) Baptised Catholic looked after children and previously looked after children* (*as defined in the glossary);
- 2) Baptised Catholic children living in the designated parishes of Ss Peter & Paul and St Helen;
- 3) Children who have a brother or sister* at the school at the time of likely admission;
- 4) Baptised Catholic children living in other Catholic parishes;
- 5) Looked after children and previously looked after children* who are other than Catholic;
- 6) Children from other Christian denominations. Proof of baptism in the form of a baptismal certificate or confirmation in writing that the applicant is a member of their faith community from an appropriate minister of religion is required;
- 7) Children of other faiths. An appropriate faith leader would need to confirm in writing that the applicant is a member of their faith group; and
- 8) Children whose parents express a preference for a place at the school.

9. In fact, the school has been oversubscribed for a number of years, and the number of applications has increased steadily as a result of the rise in birth rate, such that for September 2009 there were 208 applications for the 90 places available in the reception year with one appeal, but for September 2012 the numbers had risen to 231 applications and eight appeals. Furthermore, 114 of the 231 applications in 2012 were first preferences, with 80 of the 90 places available allocated under criterion 2 and the remaining 10 places allocated under criterion 3. Whereas in 2013, there were 113 first preferences from 231 applications, with two places allocated under criterion 1 and the remaining 88 under criterion 2, with no places available under criterion 3 for siblings.

10. The minutes of the governing body meeting on 12 March 2013, at agenda item 15, confirm that the 2014 arrangements were determined, and that the admissions committee was tasked with ratifying the allocation of reception for September 2013.

11. The minutes of the admissions committee meeting on 20 March 2013, at agenda item 2, confirm that the governors were concerned about the

increased number of applications. It was felt that the new housing development close to the school would increase further the number of applications earlier than had been predicted. The governors discussed amending the admissions criteria to rank siblings living within the catchment area above others in the catchment despite distance from school. It was felt strongly that the governors should ensure siblings gain a place at the school over new families as it is so difficult for families to cope with children in different schools. As it was too late to consult on the 2014 arrangements, which by then had been determined, it was agreed that the governing body should make an in-year variation request for 2014.

12. The school wrote to parents by pupil post and, after being prompted, did eventually notify a number of the local schools, the council, a neighbouring local authority, and the Archdiocese of Liverpool about the changes proposed. The school confirmed that it had received only one parental response, which was supportive of the changes proposed.

13. However, despite a number of requests from me for the minutes of the governing body meeting at which the proposed changes had been agreed, it became apparent that it was the admissions committee of the governing body, rather than the governing body itself, which had proposed the changes. Accordingly I did not have jurisdiction at that time to consider the proposed variation, and on 25 June 2013 the school asked to withdraw the variation request until such time as the governing body had met to confirm the changes proposed. The governing body agreed the changes proposed to the arrangements on 9 July 2013 and to seek a variation. The variation form was amended and resubmitted on 11 July 2013.

14. The minutes of the governing body meeting on 9 July 2013 confirm this was the first year that a child living in the catchment area with a sibling at the school had not been allocated a place, and that there has also been eight appeals for children with siblings at the school. In requesting the proposed variation, the governing body was responding to the unexpected increase in applications as a result of the new housing development which was having an impact sooner than had been predicted. The changes proposed would introduce a new priority at criterion 2(a) for baptised Catholic children who have a brother or sister at the school at the time of likely admission, living in the designated Parishes of Ss Peter and Paul and St Helens ahead of other baptised Catholic children living in the designated parishes at 2(b). The other criteria would remain the same.

15. The Schools Department of the Roman Catholic Diocese of Liverpool responded to the proposed variation on 26 May and 24 July 2013. The diocese said the proposed variation is a reasonable and sensible modification in view of the significant pressure for places experienced by the school on an annual basis. Further, the proposal will help avoid the development of a situation whereby Catholic siblings living within the designated parishes stated in the school's admission criteria are forced to attend separate schools.

16. The council confirmed in its responses of 20 May and 16 July 2013 that it has no objections to the proposed variation as it recognised the importance of keeping siblings together and already gives priority to siblings attending local authority schools in its admissions criteria. However, the council rightly cautioned that as the school is very popular and oversubscribed, it is therefore likely that there will be future instances where the children of Catholic residents in the new housing development, which is within the parish, will not be admitted to the school when the housing development is complete.

Conclusion

17. The governing body has requested to vary the 2014 determined arrangements in response to the impact of a new housing development which had resulted in increased applications to this popular school. The change proposed appears to be a sensible solution for 2014 to avoid siblings living in the catchment area having to attend separate schools. Accordingly, I am satisfied that I should approve this variation.

18. However, the new housing development is within the designated parishes that form the catchment area for the school. The council has rightly cautioned that baptised Catholic children residing in the new development may not be admitted to the school as a result of this variation. It may therefore be apposite for the governing body to monitor and review the effects of this variation on a regular basis.

Determination

20. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements for Great Crosby Catholic Primary School.

21. I determine that for admissions in September 2014 the admission arrangements shall include priority for baptised Catholic children who have a brother or sister at the school at the time of likely admission, living in the designated Parishes of Ss Peter and Paul and St Helens.

Dated: 6 September 2013

Signed:

Schools Adjudicator: Cecilia Galloway