

DETERMINATION

Case reference: ADA 0002401

Admission Authority: The Governing Body of St Paul's RC Primary School, Thames Ditton, Surrey

Date of decision: 25 February 2012

Determination

In accordance with section 88I (5) of the School Standards and Framework Act 1998, I have reviewed the admission arrangements determined by the governing body of St Paul's RC Primary School and determine that they conform with the requirements relating to admission arrangements

The referral

1. Under section 88H of the School Standards and Framework Act 1998, (the Act), an objection was made by a prospective parent at St Paul's RC Voluntary Aided Primary School, Thames Ditton (the school). The school is located in the area of Surrey County Council (the council) and is within the Diocese of Arundel and Brighton (the diocese).
2. The objection concerned aspects of the school admission arrangements for admissions in September 2012.

Jurisdiction

3. The objector submitted the objection to the school's determined arrangements for admissions in September 2012 on 21 January 2013.
4. By regulation 23 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 that came into force on 1 February 2012, the adjudicator is not required to determine an objection referred under section 88H(2) unless it is received on or before 30 June in the determination year. The referral does not constitute an on time objection.
5. Under Section 88I(5) of the Act the adjudicator has the power to consider admission arrangements that come to his attention. I have therefore decided to exercise my discretion to consider the matter referred as an objection as coming to my attention and given the issues raised in the objection, to look at the admission arrangements for September 2013 to assess whether they are compliant with the 2012 School Admissions Code (the Code).
6. I am satisfied that I have the power to consider these arrangements and it

is within my jurisdiction.

Procedure

7. In considering this matter I have had regard to all relevant legislation and the Code. The documents I have considered in reaching my decision include:
 - a. the letter from the referrer dated 21 January 2013 and its attachments;
 - b. the school's comments and supporting documents and responses to matters about which I requested further clarification;
 - c. the council's comments and responses to my further enquiries;
 - d. comments from the diocese and responses to my further enquiries;
 - e. a map of the area identifying the parish boundaries that define the school's catchment area;
 - f. a map of the area showing the distribution of the home locations of the pupils at the school;
 - g. confirmation of when consultation on the arrangements last took place;
 - h. a copy of the minutes of the meeting at which the governing body of the school determined the arrangements for 2013;
 - i. a copy of the determined arrangements for 2013 and the consultation draft of the arrangements for 2014; and
 - j. the council's online admissions booklet for admission to primary schools in Surrey for 2013.

The referral

8. The matters raised are that:
 - a. The school's catchment area is unclear and not objective or rational because it divides the neighbouring parish of St Barnabas and includes the wealthiest part of the parish of St Barnabas in the catchment area whilst excluding areas of social deprivation in Molesey South and Molesey North. The referrer argued that the school operates an unclear policy because its definition of the "catchment area" is not consistent with the "parish boundaries", as stated in its school admissions policy document since the "catchment area" purports to follow the "parish boundaries" but it does not appear to do so.
 - b. The arrangements unfairly discriminate against parents who live in the remainder of Molesey North and South and who are therefore obliged to accept a place at a neighbouring school with a lower rating than St Paul's Primary School, which is rated by Ofsted as outstanding.
 - c. The use of the parishes as a catchment area does not promote community cohesion.
 - d. The school has not collected information about the applicants seeking

admission to the school and analysed the data from the community and compared them with the composition of the school and that if it had done so it would have established that there was an under-representation of ethnic minorities in school in comparison to the catchment area/local community.

Background

9. The school is a two form entry voluntary aided Roman Catholic primary co-educational day school with a capacity of 420. The admission arrangements state that the school was set up primarily to serve the Catholic community in the Cobham, Esher and Thames Ditton parishes in the Weybridge Deanery in accordance with canon law, the teachings of the Catholic Church and the Trust Deed of the Diocese of Arundel and Brighton.
10. The governors expect that parents applying for places for their children will accept and uphold the Catholic character and ethos of the school. Although Catholic children have priority in the admission arrangements, the governing body states that it welcomes applications from those of other denominations and faiths who support the religious ethos of the school.

Consideration of Factors

11. Paragraph 1.8 of the Code states that “Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation.”
12. The school uses a catchment area as part of its admission arrangements. The Code allows the use of catchment areas and at paragraph 1.14 states “Catchment areas **must** be designed so that they are reasonable and clearly defined. Catchment areas do not prevent parents who live outside the catchment of a particular school from expressing a preference for the school”.
13. The school is located within the Deanery of Weybridge which in turn is part of the Diocese of Arundel and Brighton. The diocese seeks to ensure that each of its parishes is linked to a Roman Catholic primary school and secondary school. The diocese extends over the area of four local authorities (Surrey, West Sussex, East Sussex and Brighton and Hove) and contains over 90 parishes and 53 Roman Catholic primary schools. The diocese has demonstrated how the schools and parishes are linked together so that any Catholic family living within the diocese can be sure that there is a Roman Catholic school serving their parish. The diocese advises its schools to set admission criteria that give priority to those who live within the parishes so that there is a fair opportunity for parents seeking a Catholic education for their children to find a place in the linked Catholic school. The school has followed this advice.
14. The school states on its website that prospective parents may look at the parish maps which are available at the school. The school is working on a

way to produce the map in such a way that it can be displayed on its website alongside its admission arrangements. The long-established written guidance used to define the parish boundaries has been drawn onto the map used by the school and parents can identify where they live in relation to the clearly defined catchment area for the school. There is no lack of clarity about the boundaries of the school catchment area and the diocese has clearly demonstrated the system for allocating parishes to schools. It is true that the Cobham parish is some distance from the school, but given that there are more parishes than schools in the diocese, those schools that serve more than one parish will inevitably cover a larger geographical area.

15. The admission arrangements make clear that the governing body will use random allocation to allocate places within any of the categories set out in the arrangements should there be oversubscription. Paragraph 1.34 of the Code states, "Admission authorities that decide to use random allocation when schools are oversubscribed **must** set out clearly how this will operate, ensuring that arrangements are transparent, and that looked after children and previously looked after children are prioritised." The Code goes on in paragraph 1.35 to state "The random allocation process **must** be supervised by someone independent of the school, and a fresh round of random allocation **must** be used each time a child is to be offered a place from a waiting list."
16. The school's admission arrangements clarify the way that the governors will use random allocation and these arrangements comply with paragraphs 1.34 and 1.35 of the Code. The admission arrangements explain that random allocation has been chosen as the discriminator rather than distance to ensure that families throughout the three parishes who are practising Catholics have an equal chance of gaining places at the school. The procedure includes the use of an independent verifier. Looked after and previously looked after children are prioritised. In all these respects the arrangements are clear, objective and procedurally fair.
17. I have compared a map that shows the home location of pupils attending the school with the catchment area map and have been able to satisfy myself of the correlation between the two maps. Nearly all the pupils attending the school live within the defined catchment area. The small number of pupils attending the school who live outside the school catchment area are explained by the school as pupils who were admitted in previous years when the school was less oversubscribed.
18. The fact that Catholic children living within the parishes are given priority for places does not in itself ensure that they will be guaranteed a place if there are more children than places available. In addition, some Catholic parents will use their opportunity to express three preferences for schools through the council's co-ordinated admission scheme to seek a place in other local schools. This could be in another Catholic school or another non-Catholic primary school nearby.
19. In setting up a system of catchment areas as it has done, the diocese has

assumed that all schools are equally attractive to parents. Whilst this is a reasonable assumption to make from an organisational point of view, parents will have their own views about their preferences for different schools. Parents living outside catchment areas may express a preference for places and where places are available they must be allocated, but in a popular school it is likely that there will be oversubscription and those who live outside the catchment area will be less likely to gain places.

20. The school has been established to serve the Catholic community and that this has been defined through the parishes that it serves. There will inevitably be some mobility across parishes where families live in one parish, but through choice attend church in another parish. The admission arrangements are clear that it is the place of residence rather than the choice of church to worship in that is used as a criterion. The school argues that this ensures that the population of the school will, by this means, best reflect the population of the Catholic communities that it was established to serve.
21. The school has stated in its admission policy that it will admit children without reference to ability or aptitude. It does however state that it expects “that parents applying for places for the children will accept and uphold the Catholic character and ethos of the school.” It goes on to say that “although Catholic children have priority of admission, the governing body also welcomes applications from those of other denominations and faiths who support the religious ethos of the school.”
22. The school has an equality policy and following its annual review of this policy includes some analysis of available data concerning its pupil population compared to data concerning the wider community within which it is situated. The school believes that the pupil population is a reasonable representation of the community that it serves and that this has been assisted by the use of random allocation if there are more applications for places than there are places available.

Conclusion

23. I have looked at these admission arrangements and considered whether they comply with the Code. Paragraph 14 states, “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.”
24. This school is designated as having a religious character, namely a Roman Catholic school, and so is exempt from some provisions within the Equality Act. It is permitted to discriminate on the basis of faith. Paragraph 1.37 of the Code states, “Admission authorities **must** ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied.” The admission arrangements fulfil this requirement.

25. The admission arrangements clearly set out how oversubscription will be managed. The parishes that the school serves are defined clearly and the governing body seeks to ensure that of those who apply for places on the basis of their Catholic faith have priority, and that where there is oversubscription, places are allocated fairly in accordance with the oversubscription criteria using random allocation. The method for random allocation complies with the requirements of the Code.
26. The school uses a catchment area as part of its admission arrangements and I am satisfied that the school catchment is “reasonable and clearly defined”.
27. In all these respects the school complies with the requirement to allocate school places using fair, clear and objective criteria. The school has not yet solved its technical difficulty in creating a map of the catchment area that it can place upon the school website. The existing paper map is available for inspection at the school and in this way fulfils the criteria for clarity, but it would be helpful for this to be more easily accessible to potential parents via the admissions section of the school’s website.
28. As part of its equality policy, the school has reviewed its pupil profile against the local population profile and is satisfied that it is a reasonable reflection of the community that it serves. As a faith school the school seeks to serve the Catholic community as defined by its three linked church parishes.
29. Having looked carefully at all aspects of the school’s admission arrangements, I have found no evidence that the admission arrangements for this school do not meet the requirements of the Code. The school currently has more applicants for places than there are places available and has admission arrangements that show clearly how places will be allocated fairly and objectively.

Determination

30. In accordance with section 88I (5) of the School Standards and Framework Act 1998, I have reviewed the admission arrangements determined by the governing body of St Paul’s RC Primary School and determine that they conform with the requirements relating to admission arrangements.

Dated: 25 February 2013

Signed:

Schools Adjudicator: David Lennard Jones