

DETERMINATION

Case reference: VAR/627

Admission Authority: The Governing Body of Cardinal Heenan Catholic High School, Liverpool.

Date of decision: 14 February 2014

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 Cardinal Heenan Catholic High School.

I determine that for admissions in September 2014 the admission arrangements will be amended as follows: Cardinal Heenan Catholic High School will add the parish of St Dominic to the stated parishes served by the school.

I have also considered the arrangements in accordance with section 88I(5). I determine that the published admission arrangements do not conform with the requirements relating to admission arrangements.

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, but no later than 15 April.

The referral

1. The Archdiocese of Liverpool (the Archdiocese) has referred a variation to the Adjudicator on behalf of the governing body of Cardinal Heenan Catholic High School (the school) about the admission arrangements (the arrangements) for September 2014.
2. The request is for the inclusion of the parish of St Dominic formerly identified in the admission arrangements of Christ the King Joint Catholic and Anglican Centre for Learning (now closed) into the arrangements of the school.

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. I am satisfied that the proposed variation is within my jurisdiction.
5. In addition to the variation I have also considered the arrangements in accordance with section 88I (5) to determine whether or not they are fully compliant with the requirements of the Code.

Procedure

6. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
7. The documents I have considered in reaching my decision include:
 - a) the variation request and governing body minutes from the school;
 - b) copies of the letters notifying the appropriate bodies about the proposed variation;
 - c) copies of the letters consulting the relevant bodies about the proposed variation;
 - d) the determined arrangements for the school for admission in September 2014;
 - e) Liverpool City Council’s, the local authority (LA), composite prospectus for school admissions in 2014;
 - f) maps of the locations of the school and parish; and
 - g) additional communication from the Archdiocese.

Background and consideration of factors

8. Cardinal Heenan is a voluntary aided, secondary, Catholic school and falls within the Archdiocese and the LA. It is a boys’ school and serves an area in Knotty Ash. The admission authority for the school is its governing body.
9. In May 2013 Knowsley Council published a statutory notice proposing the closure of Christ the King Joint Catholic and Anglican Centre for Learning. Following a period of consultation Knowsley Council’s

Cabinet made a final decision on 10 July 2013 to close the school on 31 August 2013.

10. The Archdiocese identified a need to secure alternative places for families seeking a Catholic education for their children and living in the parishes previously served by Christ the King Joint Catholic and Anglican Centre for Learning.
11. As agreed by the governing body, the senior buildings and development officer for the Archdiocese has overseen the process leading to the variation request. His letters concerning the proposed changes to admission arrangements were sent to the Anglican Diocese of Liverpool, Liverpool and Knowsley Local Authorities, the governing bodies of all primary schools within a 3-mile radius of the school and all secondary schools within a 5-mile radius of the school. These letters provided details of the proposed variation, dates of the consultation which ran from 16 September 2013 to 14 October 2013 and invited comments on the proposal to the Archdiocese. In addition and in order to ensure parents were informed, the proposed variation was published in local newspapers. The Archdiocese went beyond the requirement to notify the relevant bodies of the proposed variation. From the consultation no letters of concern were received.
12. Minutes of governing body's admission committee from 5 December 2013 confirm agreement with the variation request.
13. The school has been oversubscribed in the last three years. The oversubscription criteria within the admission arrangements provide priority for pupils of the Catholic faith.
14. The school which closed was a small secondary school where approximately half the pupils were of the Catholic faith. Before the decision to close the school the number on roll for September 2013 was due to be 381. It is estimated therefore that there would be approximately 38 Catholic pupils in each year group. Five schools are subject to a variation request to accommodate these pupils.
15. With the closure of Christ the King Joint Catholic and Anglican Centre for Learning this leaves an area of Knowsley where residents do not have priority for admission as part of the arrangements of any Catholic secondary school.
16. The parish of St Dominic's straddles the two local authorities and the admission arrangements for the school already incorporate the parts of the parish which fall within the LA boundary. The variation would be a minor change to the arrangements. I am therefore of the view that this variation would be appropriate for the Catholic families living in the Knowsley part of the parish.

17. I have reviewed the school's admission arrangements for admissions in September 2014 which are published on the school's website. These contain reference at point three of the over-subscription criteria to sisters, half-sisters, step sisters and foster sisters which is unusual in the arrangements for a boys' school. However, if there are circumstances when the definitions may be relevant this should be made clear for parents in the arrangements.
18. The Code requires admission authorities to fully meet the requirement in paragraph 1.8 which states 'Admission arrangements **must** include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated'. No such tiebreaker is currently included in the admission arrangements. This addition is needed to comply with the Code and in the event of two children living the exact same distance from the school.

Conclusion

19. The closure of Christ the King school in Knowsley at short notice in 2013 resulted in three Catholic parishes not being part of the priority for admission area in any Catholic secondary school's admission arrangements. In order for the families in these parishes to have priority for admission to a Catholic secondary school these parishes needed to be reallocated to existing schools' arrangements and this variation provides part of those arrangements.
20. I have concluded that the variation to amend the admission arrangements for September 2014 for the school to include in the oversubscription criteria of their admission arrangements an additional parish within the Archdiocese is a reasonable response to the change in circumstances. The school must ensure that the wording of the changes matches the variation request in all details.
21. I further conclude that minor amendments are required to the school's published admission arrangements in order to conform to the Code.

Determination

22. 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 Cardinal Heenan Catholic High School.
23. I determine that for admissions in September 2014 the admission arrangements will be amended as follows: Cardinal Heenan Catholic High School will add the parish of St Dominic to the stated parishes served by the school.
24. I have also considered the arrangements in accordance with section 88I(5). I determine that the published admission arrangements do not conform with the requirements relating to admission arrangements.

25. 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, but no later than 15 April.

Dated: 14 February 2014

Signed:

Schools Adjudicator: Mrs Ann Talboys