

## **DETERMINATION**

**Case reference:** VAR 000519

**Admission Authority:** Governing Body of St James RC Primary School, Petts Wood

**Date of decision:** 22 July 2011

### **Determination**

**In accordance with section 88E of the School Standards and Framework Act 1998, I approve with modification the variation to the admission arrangements determined by St James RC Primary School, Petts Wood.**

**I determine that for admissions in September 2012 the third oversubscription criterion shall be as follows;**

**“Catholic children who both worship and live in the parishes of St James the Great, Petts Wood, or St Swithun’s, Bromley Common, and are able to prove weekly attendance at Mass. At least two places will be allocated to children who both worship and live in the parish of St Swithun’s, Bromley Common.”**

### **The referral**

1. The Governing Body of St James RC Primary School has referred a variation to the Adjudicator about the admission arrangements for St James RC Primary School (the School), a voluntary aided primary school for September 2012. Criterion two of the School’s admission policy is a sibling criterion. Criterion three gives priority to children from two named parishes, St James the Great, Petts Wood, and St Swithun’s, Bromley Common, and has done so for some years. A quota of places has never been set and has proved unnecessary until this year. For September 2011 the School has admitted fifteen siblings. The application of criterion three in conjunction with the distance tiebreaker has resulted in additional admissions with the farthest distance from the school being only 0.698 of a mile. This is significantly less than in previous years and, as a result, no places have been offered to parishioners of St Swithun’s. This has caused unrest in the school and the parish council has written to the school stating that it feels the parish has been unfairly treated. Population projections suggest that the problem is set to recur in the next admissions round. The Governing Body is upset that this situation has arisen and has asked the Head Teacher to do what she can to rectify the situation. The Governing Body is now hoping to prevent a recurrence by setting a proportion of the admissions number to named parishes.

### **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”.

I am satisfied that the proposed variation is within my jurisdiction.

### **Procedure**

3. In considering this matter I have had regard to all relevant legislation, guidance and the School Admissions Code.

The documents I have considered in reaching my decision include:

the Head Teacher’s letter of referral of June 30<sup>th</sup>( which went astray and only reached the OSA on July 14<sup>th</sup>) and supporting documents;

the determined arrangements for St James RC Primary School and the proposed variation to those arrangements;

a copy of the diocesan guidance on admissions;

minutes of the Governing Body meeting of June 9<sup>th</sup> 2011 at which the proposed variation was discussed;

a copy of the email consulting and notifying the appropriate bodies about the proposed variation; and

two responses to the notification email.

### **Background and consideration of factors**

4. Among the factors I have considered are the following:

The School considers that the outcome of the 2011/12 admissions round represents a major change in circumstances. Under the heading “About Us” on the School’s website, it says; “Children thrive where there are excellent relationships between Home, School and Parish. These relationships are clearly in place and working for the benefit of our children.” Given that the School has had a special relationship with the parish church of St Swithun’s for over twenty years, with children from the parish being admitted to the school every year, it is reasonable to argue that an admissions round resulting in no St Swithun’s children obtaining places constitutes a “major change in circumstances”. In the view of the School, this change has the potential to damage the good relationships that underpin achievement in this outstanding school.

5. This is a late application for a variation in order to avoid a projected repetition of these circumstances in the 2012/13 admissions round. The Head Teacher has stated that neither she nor the Governing Body was aware of the possibility of applying to the OSA for an in year variation until very recently. Agreement to a variation would give the School the opportunity to publicise its revised criteria to parents in September at the beginning of the autumn term. The Governing Body has therefore now proposed a variation in the form of a lengthy note referring to tiebreakers, as follows;

“If no children from the parish of St Swithun’s have been allocated any of the first 28 places available, due to distance from the school, applicants from that parish will be offered the remaining two places also based on their distance from the school. In the event that two places are allocated to the parish of St Swithun’s because of the distance rule and one of the families comprises multiple siblings eg Twins, the governors of St James’ will offer a place to both children in the event of twins if they are number 29 and 30 on the list in order to ensure that the class size does not exceed 30. In the event that the two places are allocated to the parish of St Swithun’s because of the distance rule and number 30 on the list is a multiple sibling, the Governors of St James’ will offer the places to families next on the list in respect of their distance from St James’ RC Primary School in order to comply with statutory class size regulations. Upon applying the admissions criteria should the Governors find that the 28<sup>th</sup> child is a multiple sibling from St James’ parish then they would offer the 28<sup>th</sup> place to the next St James’ child on the list in order to ensure that the St Swithun’s quota is met and that the school complies with the statutory class size regulations.”

6. This establishes a minimum quota of two places for St Swithun’s children but as currently formulated, introduces the additional element of multiple siblings and thereby complicates matters. It is hard to understand and potentially confusing for parents.

7. However, the diocesan guidance for the diocese of Southwark states that ; “Governing bodies may give equal priority to children living in named parishes as an alternative to, or in addition to, proximity.” Another head teacher from within the diocese responded to the consultation providing a useful example of a policy that simply sets a quota of places to three named parishes. This is clear and easy to understand and complies with the diocesan guidance.

8. There were only two responses from relevant bodies to notification about the proposed variation and both were favourable.

## **Conclusion**

9. I have considered the issues arising from the timescales involved in this case and believe that the request for a variation is a reasonable one. It will allow parents and others in the parishes concerned to have assurance, from

the beginning of the 2011 academic year, that there will not be a repetition of this year's problem. I accept that the outcome of the 2011 admissions round represents an unexpected event that has caused distress for the school and the parish and has the potential to undermine good relationships in the school and the community. Avoiding a repetition requires only a minor change and one that is in line with guidance from the diocese. Such a change, involving two places at the School, will not cause major disruption to other bodies.

10. The Code specifies that admission criteria should be clear and easy to understand. The proposed variation is not easy to understand. Nor has an argument been made for the multiple births issue needing to be included in this variation. I am therefore modifying the proposal to preserve the essence, which is the specification of a minimum quota of two places for children from the parish of St Swithun's, as follows;

### **Determination**

11. In accordance with section 88E of the School Standards and Framework Act 1998, I approve with modification the variation to the admission arrangements determined by St James RC Primary School.

12. I determine that for admissions in September 2012, the third oversubscription criterion shall be as follows;

“Catholic children who both worship and live in the parishes of St James the Great, Petts Wood, or St Swithun's, Bromley Common, and are able to prove weekly attendance at Mass. At least two places will be allocated to children who both worship and live in the parish of St Swithun's, Bromley Common.”

Dated: 22 July 2011

Signed:

Schools Adjudicator: Mrs Janet Mokades