



DETERMINATION

Case reference: ADA2802

Admission Authority: The academy trust of St. Mary's Catholic Academy, Blackpool

Date of decision: 4 November 2014

Determination

In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements of St. Mary's Catholic Academy, Blackpool for admissions in September 2015. I determine that some aspects 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.

The referral

1. The admission arrangements (the arrangements) for St Mary's Catholic Academy (the school) an 11 to 18 school in Blackpool have been brought to the attention of the Adjudicator by the Fair Admissions Campaign (the referrer).
2. The referrer had submitted an objection to the 2015 admission arrangements of St. Mary's Catholic College on 30 June 2014 and had also referred a number of elements of the 2014 arrangements to the Adjudicator.
3. St. Mary's Catholic College closed on 31 August 2014 and reopened on 1 September 2014 as St Mary's Catholic Academy within the Blessed Edward Bramber Catholic Multi Academy Trust (the trust)

Jurisdiction

4. The terms of the academy agreement between the academy trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools.

5. When a school converts to become an academy, the admission arrangements determined for its predecessor continue to apply unless changed by the new admission authority through due process. In this case the predecessor school was a voluntary aided school where the governing body was the admissions authority. The governing body of St Mary's Catholic College determined the admission arrangements for 2015 for the school on 5 February 2014.
6. The referrer's objection was to the admission arrangements of a school that has now closed and will no longer be admitting students. I consider that it is not possible for me to consider them as an objection under section 88H of the School Standards and Framework Act 1998 (the Act). However, the school under its new status and name continues to use the arrangements set for its predecessor. Section 88I(5) of the Act allows the Adjudicator to consider determined arrangements that come to his attention by any means. I am satisfied that it is within my jurisdiction to consider the arrangements for September 2015 under section 88I(5) of the Act.

Procedure

7. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
8. The documents I have considered in reaching my decision include:
 - a. the referrer's email dated 30 June 2014;
 - b. the school's response to the objection and supporting documents dated 4 September 2014 together with subsequent clarification and information;
 - c. Blackpool Council's, the local authority (the LA) comments on the objection dated 28 August 2014;
 - d. The Diocese of Lancaster's (the diocese) comments on the objection dated 2 September;
 - e. the LA's composite prospectus for parents seeking admission to schools in the area in September 2015;
 - f. a map of the area identifying relevant schools;
 - g. confirmation of when consultation on the arrangements last took place;
 - h. copies of the minutes of the meeting of the governing body at which the arrangements were determined; and
 - i. a copy of the determined arrangements.

The Referral

9. There were eight points in the referral which are set out below. The first was to the 2015 arrangements and the remainder to the 2014 arrangements as the 2015 arrangements were not available to the referrer. The arrangements for 2014 and 2015 are substantially the same although the school did make some changes to the way in which distances are measured and to the wording about multiple births. The eight points were:

- a. Either 1.46 (admissions policy for 2015 not decided yet) or 1.47 (admissions policy for 2015 not published yet) being broken;
- b. 1.47 (SIF not on website – may contain further Code breaches)
- c. 1.9b (criteria 4/5/10/11/12/15/16/17 – feeder schools not named);
- d. 1.6/1.36/2.8 (does not allow home-educated children to gain entry);
- e. 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school);
- f. 1.8/14 (criteria 1-5 just say 'Catholics' but the footnote at * suggests that baptised Catholics/Catholics on a course leading to baptism is what is meant);
- g. 1.8/14/1.37 (criteria 8-12 – what practise is sufficient to constitute 'active membership of a Faith Community' is not defined; and
- h. 1.8/14 ('A child who, with his or her family' penalises those children who only have one of two parents/carers enrolled in a recognised course of preparation leading to Catholic baptism).

Other Matters

10. When I looked at the school's arrangements there appeared to me to be other matters that might not comply with the Code:

- a. the definition of Catholic might result in the arrangements not complying with paragraph 1.37 of the Code;
- b. the arrangements describe admission criteria, not oversubscription criteria which does not comply with paragraphs 1.36 and 2.8 of the Code;
- c. the reference to children of staff may not comply with paragraph 1.39 of the Code;
- d. the arrangements include wording about multiple births which may not be clear; and

- e. the admission arrangements for the sixth form do not appear to comply with the Code in several respects.

Background

11. Until September 2014 the school was a voluntary aided school which shared a governing body with neighbouring Christ the King Catholic Primary School under a federation.
12. On 1 September 2014, the school converted to academy status as part of the multi academy trust established by the diocese. On that date it took the name of St. Mary's Catholic Academy.
13. The admission arrangements for 2015 remain those set by the governing body when it was a voluntary aided school. These include 17 oversubscription criteria which can be summarised as:
 1. Looked after and previously looked after Catholic children;
 2. Catholic siblings of students at the school who attend any of ten named Catholic primary schools;
 3. Catholic pupils attending any of the same ten named schools;
 4. Catholic pupils attending other Catholic primary schools;
 5. Catholic pupils at non-Catholic primary schools;
 6. Other looked after and previously looked after children;
 7. Children of staff employed by the governors of the school and Christ the King Catholic Primary School;
 8. People of faith with siblings at the school who attend any of the ten named Catholic primary schools
 9. People of faith attending any of the same ten named schools;
 10. People of faith attending other Catholic primary schools;
 11. People of faith who have siblings at the school who attend non-Catholic primary schools;
 12. People of faith attending non-Catholic primary schools;
 13. Other siblings of students at the school who attend any of the ten named Catholic primary schools;
 14. Other pupils attending the ten named Catholic primary schools;
 15. Other pupils attending Catholic primary schools;
 16. Other siblings of students at the school who attend non-Catholic primary schools; and

17. Other pupils attending non-Catholic schools.
14. The tie-breaker within each category is the distance between home and school with the child living nearest the school having priority.
15. The school has a published admission number (PAN) of 210 and at the time of the school census in January 2014 it was oversubscribed in the current Year 7 in which there were 215 pupils. In the other compulsory school year groups there were between 195 and 208 pupils.
16. The school also admits students to its sixth form. The PAN is 40 and there are seven oversubscription criteria for applicants achieving five or more GCSEs with grades A* to C including English and mathematics. The tie-breaker is based on a point score for the best eight GCSEs and then proximity to the school.

Consideration of Factors

Determination and publication

17. The first part of the objection was that either the arrangements for 2015 were not determined as required by paragraph 1.46 of the Code or were not published as required by paragraph 1.47 of the Code.
18. Paragraph 1.46 of the Code requires the admission authority to determine their arrangements by 15 April each year while paragraph 1.47 requires that once determined the arrangements are published on the admission authority's website.
19. On 30 July 2014 I was unable to find the 2015 arrangements on the school's website, although the 2014 arrangements could be found. The LA has confirmed in their letter of 28 August 2014 that the 2015 arrangements did not appear to be on the school's website. The school said "*As is our usual custom and practice this will be placed on the website in early September*".
20. The Code says arrangements must be published on the admission authority's website "*once determined*" for a reason. This is to enable them to be seen by parents and other interested parties in good time for any objections to be lodged with the Adjudicator by 30 June each year. It is clear to me that the 2015 arrangements were not published as required by paragraph 1.47 of the Code.
21. The LA said the school had confirmed with them that the arrangements had been determined. The school provided me with papers from governing body meetings of 16 October 2013 and 5 February 2014 and from the admissions committee meeting of 11 December 2013. There was however no formal minute that the arrangements were determined by the governing body.
22. In response to my enquiries regarding the apparent non-determination of the arrangements, the head teacher has confirmed that the arrangements were agreed at the meeting on 5 February, and has

recognised that this was not adequately recorded in the minutes. Taken with the LA's confirmation that the arrangements had been determined I am prepared to be satisfied on this point. I have also noted that the head teacher has said "*the formal recording of the Admissions Policy will be strengthened by the Trust.*"

The Supplementary Information Form

23. The second part of the referral was that school does not have a supplementary information form (SIF) published on its website. The school says that a SIF is not required and I note that the school is not obliged to have one by the Code. However the school will need evidence that an applicant meets its faith based or any other criteria not covered in the common application form (CAF) used by the LAs in which prospective applicants might live.
24. In its arrangements the school says for one of the definitions of baptised Catholic "*Proof of baptism with a copy of a baptismal certificate or details of the date and place of baptism may be requested.*" For other definitions of Catholic it says proof of baptism "*will be required*" while the definition of 'people of faith' requires proof in the form of "*a letter from a minister/pastor or baptismal certificate*". There is a degree of inconsistency in when proof "*may be requested*" and where it "*will be required*".
25. I have looked at the CAF on the LA's website to see if it provides all the information needed to assess applications against the criteria summarised above.
26. Two key factors, whether or not the child is looked after or previously looked after and the name of the child's current primary school are asked for on this CAF which also establishes whether or not there is a sibling connection.
27. This CAF also includes a section for applicants to faith secondary schools complete. It asks if the child is a baptised Catholic and if so asks for details of place and date of baptism. This is followed by a statement in capital letters that a supplementary form and/or a copy of the baptismal certificate must be provided to the school. Then it says "*If you attend Church, name the parish/area of faith community in which you worship*" before offering the opportunity for parents to write in why they are seeking a place at a Catholic secondary school if the child is not a baptised Catholic.
28. I will be returning to the clarity and objectivity of the definition of 'Catholic' and 'people of faith' later in this determination. However for some of the definitions of baptised Catholic, the school would appear to require more than just the baptismal certificate for example proof of reception from the Register of Receptions. The school also requires more than is provided for by the CAF to define a 'person of faith'. The referral to a "*supplementary form*" in this CAF will be confusing for parents applying for this school as they are being directed to a

document that does not exist.

29. The school does not have to use a SIF if it is satisfied that it can collect the information required to establish if an applicant meets its oversubscription criteria in another way which is clear, objective and easy for parents to understand. While the LA includes a section in its CAF to obtain some of this information, other LAs through which as the home local authority other applicants may apply may not do so and thus applicants from other areas could be disadvantaged and this would not meet the requirement to be procedurally fair in paragraph 1.8 of the Code. Without necessarily introducing a SIF the school must establish what information or evidence is essential for it to be able to rank applications against its oversubscription criteria.
30. Parents may be confused as whether they "*may be requested*" or "*will be required*" to provide evidence that they meet the faith based criteria and whether or not there is a SIF. Paragraph 14 of the Code says "*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.*" Furthermore paragraph 1.37 says "*Admission authorities **must** ensure that parents can easily understand how any faith-based criteria can be reasonably satisfied.*"
31. The school needs to ensure that it collects the evidence required to assess applicants against its oversubscription criteria. How this is done is a matter for the school but to comply with the Code it must be clear, fair and objective. I am of the view that the present arrangements do not comply with this requirement.

Feeder Schools

32. The third part of the referral concerned feeder schools. Paragraph 1.9b of the Code says admission authorities **must not** take into account any previous schools attended, unless it is a named feeder school. While paragraph 1.15 says "*The selection of a feeder school or schools **must** be transparent and made on reasonable grounds.*" The referral said that in criteria 4, 5, 10, 11, 12, 15, 16 and 17 feeder schools are not named.
33. The school has said that feeder schools are named in other criteria and the disputed criteria above are for children who do not attend one of the named feeder schools.
34. The criteria listed in the referral appear to me to be an attempt to give priority to Catholic children who were unable to secure a place at a Catholic primary school, or did not have one near enough to their home to attend it. It also gives priority to children who are already in Catholic schools whose parents wish them to continue into a Catholic secondary school.

35. The Code however is clear; it only allows named feeder schools. Giving priority to pupils from a school just because it is a Catholic school does not comply with the Code.

Home educated children

36. The referrer was concerned that the criteria set out above do not allow for a child who is home educated. If so they considered this would not comply with paragraphs 1.6, 1.36 and 2.8 of the Code.
37. Other than in criteria 1 and 6 concerning looked after and previously looked after children throughout the criteria there is an assumption that children will be attending a primary school. I cannot see how a child who is home educated would meet any of the criteria as they are worded even if they were a practising baptised Catholic living next door to the school.
38. Paragraphs 1.6, 1.36 and 2.8 of the Code quoted in the referral say that there must be oversubscription criteria which may include reference to faith, but if the school is not oversubscribed then all applicants must be offered places. I consider that the arrangements may not comply with paragraphs 1.36 and 2.8 for other reasons which I will set out later in this determination. However not providing a criterion which could be met by a home educated child is unfair and paragraph 14 of the Code says *"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"*.

Tie-Breaker

39. The referrer has drawn my attention to the tie-breaker used by the school. The tie-breaker used is straight line distance from home to school with the nearer applicant being given priority. The tie-breaker will not differentiate between two applicants living the same distance from the school and it is not an effective tie-breaker as required by paragraph 1.8 of the Code.

Definition of Catholic

40. In this section I intend to address both the points made by the referrer on this issue and my own concern with the definition of Catholic.
41. The referrer first pointed out that criteria 1 to 5 refer to *"Catholic children"* or *"Catholic pupils"* and there is a note indicated by an asterisk which begins *"*For admission to this Catholic school a baptised Catholic is"* and then gives four definitions of a baptised Catholic. The referrer suggests this does not comply with paragraphs 14 and 1.8 of the Code.
42. The definitions are
- *One who has been baptised into full communion with the Roman Catholic Church by the Rites of Baptism of one of the various*

ritual Churches in communion with the See of Rome (Proof of baptism with a copy of a baptismal certificate or details of the date and place of baptism may be requested).

- *A child, baptised in another Christian Faith who has been received into full communion with the Roman Catholic faith. (Proof of baptism and reception from the Register of Receptions or Baptismal Register will be required)*
- *A child who, with his or her family, is enrolled in a recognised course of preparation leading to Catholic baptism (Proof of enrolment with details of the place and date of enrolment from the appropriate parish records will be required).*
- *One who is a member of the Eastern Christian Churches and the Orthodox Churches. (Proof of baptism with a copy of a baptismal certificate, details of the date and place of baptism or certificate of reception will be required).*

43. Paragraphs 14 and 1.8 of the Code both require clarity and objectivity. Arguably the use of the term “Catholic” and “baptised Catholic” could cause confusion in the mind of some readers. In this context I think it is clear that “Catholic” means “baptised Catholic”, however it would be a simple matter for the school to make this clearer.

44. The referral also suggested that the third of these definitions “*penalised children who have only one of two parents/carers enrolled in a recognised course of preparation leading to baptism.*”

45. The wording of the school’s definition does imply to me it requires the whole of a child’s family to be on the course which would not be fair to children in families where only part of the family is on the course. This would not comply with paragraph 1.8 of the Code on the grounds of being unfair.

46. I have considered very carefully these four definitions of baptised Catholic. I note that the school says on the front page of its policy document that it has regard for the advice of the Diocesan Trustees. Paragraph 1.38 says “*Admission authorities for schools designated as having a religious character **must** have regard to any guidance from the body or person representing the religion or religious denomination when constructing faith-based oversubscription criteria, to the extent that the guidance complies with the mandatory provisions and guidelines of this Code. They **must** also consult with the body or person representing the religion or religious denomination when deciding how membership or practice of the faith is to be demonstrated.*”

47. The advice from the diocese is faith should be tested by “*evidence that the child is accepted as a baptised Roman Catholic.*” The diocesan guidance goes on to say “*The definition of baptised Roman Catholic can also sometimes present problems*” and includes an appendix

giving further guidance. This guidance says the definition of baptised Roman Catholic can be extended to include Eastern Rite Churches in communion with Rome and this is reflected in the first definition above.

48. These churches include among others the Coptic Catholic Church, The Maronite Catholic Church and the Syrian Catholic Church. They are all Catholic churches which mutually recognise that they share essential doctrines with the Roman Catholic Church. Members of these churches can share the Eucharist together. I am satisfied that this is a sound definition of a Catholic for the purpose of school admissions.
49. The second definition above covers children who were baptised into another Christian Church, but have formally converted to Catholicism and have a certificate of reception into the Catholic Church. Again, this is consistent with diocesan guidance and is a clear, objective definition of a Catholic.
50. The third definition above includes children who are preparing for baptism as Catholics. I have noted that in its guidance on school admissions the diocese does say *“the definition of baptised Roman Catholic can be extended to children enrolled in or having completed the catechumenate”*. However, both paragraphs 14 and 1.8 of the Code require criteria to be clear and objective. If someone is on a course leading to baptism they are not baptised, to say they are is neither clear nor objective.
51. I also think that including catechumens as Catholics does not comply with paragraph 1.37 of the Code says *“Admission authorities for faith schools may give priority to all looked after children and previously looked after children whether or not of the faith, but they must give priority to looked after children and previously looked after children of the faith before other children of the faith. Where any element of priority is given in relation to children not of the faith they must give priority to looked after children and previously looked after children not of the faith above other children not of the faith.”* Catechumens are not yet of the faith, as they have not been baptised, therefore they cannot be given priority over looked after and previously looked after children not of the faith. It would of course be permissible to give such children priority following looked after and previously looked after children not of the faith.
52. I consider that including a *“child who with his or her family, is enrolled in a recognised course of preparation leading to baptism”* in the definition of baptised Catholic does not comply with the Code.
53. Although the diocesan guidance says that the Orthodox Churches are not in communion with Rome, it does not advise against including members of such Churches as baptised Catholics as in the fourth definition. I however am not convinced that members of the Orthodox Churches can be defined as Catholic. Doing so gives these children priority over looked after and previously looked after children who are not Catholics and does not comply with paragraph 1.37 of the Code.

People of faith

54. The remaining part of the referral is that the definition of "*people of faith*" used for criteria 8 to 12 does not comply with paragraphs 14 and 1.8 of the Code. The definition is "*those who can provide proof of active membership of a Faith Community, e.g. a letter from a minister/pastor or baptismal certificate. The letter/baptismal certificate must be submitted with the application form. Alternatively, the term is defined as those making a positive choice and commitment for their child to be educated within the Mission of St. Mary's Catholic College and the values of a Christian education. Parents must provide their supporting statement on either the application form or in a separate letter submitted with the application form.*"
55. Paragraphs 14 and 1.8 require the arrangements and oversubscription criteria to be clear and objective while paragraph 1.37 of the Code says "*Admission authorities **must** ensure that parents can easily understand how any faith based criteria will be reasonably satisfied.*" The above definition of "*people of faith*" does not in my view help parents understand what is required to be a person of faith. There is no indication of what type of activity or frequency or length of time that it should have been maintained for which could provide the required objectivity. Also, any activity must be one "*as laid out by the body or person representing the religion or religious denomination*" in order to comply with paragraph 1.9i of the Code.
56. The alternative included in the definition, "*those making a positive choice and commitment for their child to be educated within the Mission of St. Mary's Catholic College*", could in my view encompass any parent who included the school on their CAF as doing so is making a positive choice for the child to be educated at the school. Even if I was not of that view, there is no indication of how the school would objectively assess any supporting statement from a parent to establish their commitment.
57. In my view this definition is not objective and is open to interpretation and I am not satisfied that this complies with the Code.

Oversubscription

58. Paragraphs 1.36 and 2.8 of the Code say that all schools including faith schools **must** offer places to everyone who applies if the school is undersubscribed. The school's arrangements do not say this; they say admission "*is in accordance with the following criteria*" without saying the criteria only apply if the school is oversubscribed. This suggests that unless one of the criteria is met a child will not be admitted to the school. This does not comply with the Code.

Children of Staff

59. The seventh criterion is "*Children of staff employed by the Governors of St Mary's Catholic College & Christ the King Catholic Primary School*

for two or more years or who have been recruited to meet a particular skills shortage.” While paragraph 1.39 of the Code allows admission authorities to give children of staff priority in these circumstances, it is just to children of staff of that school. To give priority to children of staff at another school, even one with the same governing body, is not permitted by paragraph 1.9f of the Code which says admission authorities must not give priority to children according to the occupational status of parents.

Multiple Births

60. The 2015 arrangements published on the LA’s website include a sentence that says *“Where there are twins or multiple birth children wanting admission then the Governors will operate with as much flexibility as possible.”* The Code says in paragraph 14 that admission arrangements **must** be clear, fair and objective. This statement is none of those. If this statement is meant to say what will happen if the final place at the school falls to a child of a multiple birth, then it should say what decision the governors will make and the criteria that decision will be based on.

Sixth Form

61. The school also admits students from other schools to its sixth form; these arrangements must also comply with the Code. The PAN for admission to the sixth form from other schools is 40 and there is an academic entry requirement of five GCSEs at grade A* to C including English and mathematics. This academic requirement applies to students already at the school and is allowed by paragraph 2.6 of the Code which requires that any academic criteria are the same for internal and external students.
62. Unlike the criteria used for the admission to Year 7, the criteria used for the sixth form are labelled as oversubscription criteria. There is however a number of similar ways in which they do not comply with the Code.
63. The third criterion *“Catholic students attending other Blackpool high schools”*, the sixth *“People of faith attending other Blackpool high schools”* and the seventh *“All other students attending high schools”* do not comply with paragraph 1.9b. That paragraph requires all feeder schools to be named.
64. None of the criteria allow for a student who might have been home educated which as set out above does not comply with the Code.
65. The definitions of baptised Catholic and people of faith are the same as those used for Year 7 so also fail to comply with the Code for the same reasons set out above.
66. The tie-breaker used for the sixth form is however very different to that used for Year 7. There are two parts to the tie-breaker. The first is the

highest total point score for the best eight GCSEs achieved including English and mathematics and the second is proximity to the school.

67. Paragraph 1.8 of the Code requires the tie-breaker to be “*effective, clear and fair*”. The use of GCSE points is clearly explained, but I am not convinced it is fair. The student will already have met the academic standard for admission to the sixth form which is set out and known before application. Setting another academic hurdle at this point in the process amounts to introducing new selection by ability which is prohibited by paragraph 1.9d of the Code. It also makes the academic entry requirement different for external places to that required for internal places and paragraph 2.6 of the Code requires them to be the same.
68. The tie-breaker also fails because there is no way of discriminating between two students who have the same number of points and live the same distance from the school.
69. I have looked at the sixth form prospectus and considered the application process set out there together with the application form downloaded from the school’s website. The application process describes interviews and conditional offers; it also says references may be requested.
70. Paragraph 1.9m of the Code prohibits interviews although it allows meetings if they are to discuss options and academic entry requirements for particular sixth form courses. The prospectus says “*The interview is to confirm your predicted GCSE exam grades, AS subject choices, discuss subject combinations in relation to any possible careers choices, to answer any queries that you might have and give specific details about the start up of your new courses in St Mary’s Sixth Form*”. On the face of it the content of these meetings would comply with the Code if they were not described as interviews. However as these meetings precede the making of a conditional offer this implies they are part of the decision process on whether to offer a place which is prohibited by paragraph 1.9m and 2.6 of the Code.
71. I am also unsure how sending conditional offers immediately after interviews complies with paragraph 1.9a of the Code. That paragraph prohibits placing any conditions on the consideration any application other than those in the oversubscription criteria published in the arrangements. These are the academic threshold and the oversubscription criteria. If 40 or fewer applicants from outside the school meet the academic threshold once GCSE results are available, then all must be admitted as required by paragraphs 1.6 and 2.8 of the Code. If there are more than 40 then the oversubscription criteria decide which applicants will be admitted. No other conditions are acceptable.
72. Paragraph 1.9g of the Code prohibits taking into account reports from previous schools about children’s past behaviour, attendance, attitude or achievement. Any request for a reference as part of the admission

arrangements for the sixth form must comply with this paragraph of the Code.

73. I have considered the sixth form application form against the requirements of paragraph 2.4 of the Code. This says that admission authorities can only ask for information on an application form that has a direct bearing on decisions about oversubscription criteria. It also says the form should not ask for any information prohibited by paragraph 1.9.

74. The form asks for predicted GCSE results and possible AS courses. It may be arguable that there are practical reasons that these questions are asked but to continue to ask, as the form does, for career intentions, positions of responsibility, sports, additional special needs and whether the applicant has attended an open evening or taster day clearly does not comply with the Code. None of these are required to make a decision about oversubscription criteria and are prohibited by the Code from being on the application form.

Conclusion

75. For the reasons set out above I have concluded the arrangements do not comply with the Code in the following respects:

- a. the publication of the arrangements did not comply with paragraph 1.47 of the Code;
- b. the collection of information required to assess applicants against the faith-based criteria does not comply with paragraphs 14, 1.8 or 1.37 of the Code;
- c. children who have not attended a primary school cannot satisfy any of the criteria unless they are a looked after or previously looked after child so the arrangements do not comply with paragraph 14 of the Code;
- d. there are situations which the tie-breaker will not resolve as required by paragraph 1.8 of the Code;
- e. the definition of Catholic does not comply with paragraphs 14, 1.8 or 1.37 of the Code;
- f. the definition of people of faith does not comply with paragraphs 14, 1.8 or 1.37 of the Code;
- g. the arrangements imply that only children who meet the criteria will be admitted to the school, this does not comply with paragraphs 1.36 or 2.8 of the Code
- h. children of staff at another school are given priority for places which does not comply with paragraphs 1.9f or 1.39 of the Code;
- i. wording about multiple births does not comply with paragraph 14

of the Code;

- j. the tie-breaker used for admission to the sixth form does not comply with paragraphs 1.8 or 1.9d of the Code; and
- k. the sixth form application process does not comply with paragraphs 1.9 and 2.6 of the Code.

Determination

76. In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements of St. Mary's Catholic Academy, Blackpool for admissions in September 2015. I determine that some aspects do not conform with the requirements relating to admission arrangements.

77. 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.

Dated: 4 November 2014

Signed:

Schools Adjudicator: Mr Phil Whiffing