

DETERMINATION

Case reference: ADA 2150

Objector: An eligible parent

Admission Authority: St Margaret's CE Primary School, Rottingdean

Date of decision: 7 July 2011

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection lodged by an eligible parent to the admissions arrangements of St Margaret's CE Primary Rottingdean

The referral

1. An eligible parent has referred an objection to the Adjudicator about the admission arrangements (the arrangements) for St Margaret's Rottingdean (the school), a Church of England Voluntary Aided Primary School. The objection is that the arrangements contravene the established principles of the Schools Admissions Code (the Code) giving priority to parental choice, to sibling links with the school, and to the practice of the faith.

Jurisdiction

2. These arrangements were determined under section 88(C) of the School Standards and Framework Act 1998 (the Act) by the governing body which is the admission authority for the school. The eligible parent submitted the objection to these determined arrangements on 26 May 2011. I am satisfied that this objection has been properly referred to me in accordance with section 88H(2) of the Act, and that it falls within my jurisdiction.

Procedure

3. In considering this matter I have had regard to all relevant legislation, guidance and the School Admissions Code (the Code).
4. The documents I have considered in reaching my decision include:
- a. the objection letter of 26 May 2011 and supporting documents;
 - b. the responses to the objection from
 - i) the school on 14 June 2011

- ii) the Chichester Diocesan Board of Education (the Diocese) on 14 June 2011
- iii) and Brighton & Hove City Council (the LA) on 17 June 2011;
- c. the Council's booklet for parents seeking admission to schools in the area in September 2011-12 and for 2012-13;
- d. the school's admissions policy 2011-12, which remains the same for 2012-13
- e. the allocation of places across the LA for Reception September 2011
- f. a map of the local area

5. In addition to investigating the matters raised by the objector I have also reviewed the admissions arrangements as a whole and considered whether I should use my power under section 88J(2)(b) of the Act. I am not using my powers under the Act to make further changes to the arrangements.

The Objection

6. The eligible parent has one child who is already at the school and twins whose applications to join the school in September 2011 have been unsuccessful. The family do not live in the parish of St Margaret, Rottingdean but say that they are regular churchgoers at the parish church. They have appealed against the decision not to offer the twins places at the school.

7. The letter of objection and supporting paperwork have three main themes

- a. A complaint about the way the school has applied its published admission arrangements. This forms part of their appeal to the school, and is not a matter for the Adjudicator.
- b. A complaint about the way in which their appeal has been and is being dealt with. This also is not a matter for the Adjudicator.
- c. The objector states that the "*selection (sic) criteria are fundamentally flawed*" and that "*the criteria do not comply with the Code*". It is this objection to which I now turn.

8. There are three main strands to the third objection. The objector asserts that the admissions policy of the school is contrary to the Code, in that:

- a. the Code "*underlines the right of parents to choose a school for their child*";
- b. the Code requires priority to be given to siblings;

- c. the Code requires faith schools to give priority to those who practise the faith

Consideration of Factors

9. First of all, I am satisfied that the school determined its admissions policy in an appropriate way. Proper statutory consultations were carried out in consultation with the Diocese and the LA before the school determined the arrangements for 2010. In accordance with the Code (1.26) no consultation was necessary for 2011-12 nor for 2012-13, neither of which has made any changes.

10. Parental Preferences. The Code (1.37) certainly states that *“parents have a right to express a preference for a place in any maintained school”*. This is very different from the objection *“that priority should be given to parental choice”*. Indeed, Paragraph 2.16(b) of the Code specifically prohibits giving *“priority to children according to the order of schools named as preferences by their parents, including ‘first preference first’ arrangements.”*

11. Priority for siblings. This is at the heart of the objection. The Code (2.21) states that *“giving priority to younger brothers and sisters ... supports families and can reassure parents about the safety of children when walking to school”*. Paragraph 2.25 goes on to say *“families must be at the heart of admissions systems and the Government expects the admission authorities for primary schools to take the needs of parents with young children into account in deciding which oversubscription criteria should be used. The admission authorities for primary schools **should** ensure in their oversubscription criteria that siblings ... can attend the same primary school, as long as they comply with the class size regulations”*. This is not a *“requirement”* as the objector states (were that so, the Code would have used **“must”** rather than **“should”**), but there is certainly a strong expectation that such priority should be given.

12. It is for admission authorities, if they choose, to determine the relative priority of its oversubscription criteria, including sibling, catchment, distance and “practice of faith” criteria where used, within the mandatory provisions of the Code.

13. The oversubscription criteria for most Church schools in this LA give a priority, immediately after children in care or with special needs, to all children who have a sibling in the school at the time of admission.

14. However, the St Margaret’s criteria express their priorities somewhat differently. After the first priority of children in care or with special needs, their criteria in broad terms are geographical:

- a. children living in the ecclesiastical parishes of St Margaret Rottingdean and Ovingdean
- b. children who do not live in the ecclesiastical parish.

This is not an uncommon distinction, and reflects the history of most Church

of England schools which were built to provide education with a Christian ethos to all children who live in the local community.

15. Each of these two categories is then subdivided to reflect the way in which the parents do or do not practise their faith, giving specific priority to those who are actively committed to their faith in the local parish churches, in other Anglican churches, and in churches of other denominations.

16. Then, within each of the subdivisions, priority is clearly given to children who have a sibling in the school at the time of admission. The tie-breaker within each subdivision is 'safe walking distance' from home to school.

17. This creates a document with 14 criteria - one that in this respect is different from most similar policies. Nevertheless, I am satisfied that it does satisfy the mandatory requirements of the Code and, contrary to the assertion of the objector, does give a priority to siblings and to those who actively practise their faith, albeit within prior geographical divisions.

18. The objector also states that the admission arrangements "*do not comply with ... the Local Authority's admission arrangements*" giving "*priority in the following order: children with SEN; Children with a sibling link; distance from school*". There is no requirement that they should (see para 12 above).

Other Matters

19. I have looked at the school's admission arrangements as a whole and am satisfied that they are compliant with the Code.

Conclusion

20. I have carefully considered the objector's assertion that the admissions policy of the school is contrary to the Code. Parents of children who have chosen to apply for the school, who have an older sibling already at the school, and who say that they practise their faith in the parish served by the school, but who live outside the parish boundaries, may well believe that they are disadvantaged by the school's oversubscription criteria.

21. However, where a school is oversubscribed there will inevitably be disappointment. I must determine whether or not these arrangements are compliant with the Code and have been properly determined by the admission authority. They are and they have.

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection lodged by an eligible parent to the admissions arrangements of St Margaret's CE Primary Rottingdean

Dated: 7 July 2011

Signed:

Schools Adjudicator: Dr Stephen Venner