

DETERMINATION

Case reference: ADA002324

Referrer: Bournemouth Education Appeals Service

Admission Authority: The Governing Body of Corpus Christi Catholic Primary School Bournemouth

Date of decision: 14 August 2012

Determination

In accordance with section 88I (5) of the School Standards and Framework Act 1998, I have considered the admission arrangements of Corpus Christi Catholic Primary School Bournemouth for September 2012. I determine that the arrangements do not conform with the requirements relating to admission arrangements.

I have also considered the arrangements for September 2013 in accordance with section 88I (5). I determine that the reference to and aspects of the Supplementary Information Form do not conform with the requirements relating to admission arrangements.

By virtue of section 88K (2) of the Act 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) of Corpus Christi Catholic Primary School Bournemouth (the School), a Voluntary Aided primary school for September 2012 have been brought to the attention of the Schools Adjudicator by the Bournemouth Education Appeals Service.
2. The referral is to discrepancies with regards to the School's paperwork which is contrary to the requirement in the School Admissions Code (the 2010 Code) that an admissions system must be fair:

"A fair system is one that provides parents with clear information about admissions." (paragraph 1.5)
3. It refers also to failure by the School to follow its own published arrangements, contrary to paragraph 1.34 of the School Admissions Code

"All admission authorities **must** decide on applications for school places in accordance with their published arrangements."

4. Having looked at the arrangements for 2012 I considered that there may be matters that do not comply with the 2010 Code and therefore I also looked at the arrangements for admissions in September 2013 for compliance with the 2012 Code.

Jurisdiction

5. These arrangements were determined under section 88C of the School Standards and Framework Act 1998 (the Act) by the School's governing body which is the admission authority for the School. These arrangements were referred to the adjudicator on 26 June 2012. I am satisfied the referral has been properly made to me in accordance with section 88I of the Act and it is within my jurisdiction to consider them. Paragraph 18 of Appendix 1 of the 2010 Code, which is the one governing admissions for 2012, states:

“The appeal panel **must** refer to the Schools Adjudicator any admission arrangements brought to their attention that they consider to be in breach of this Code.”

6. I am also using my powers under section 88I to consider the arrangements as a whole and the arrangements for 2013.

Procedure

7. In considering this matter I have had regard to all relevant legislation and the Code.

8. The documents I have considered in reaching my decision include:

- a. the referrer's letter dated 26 June 2012 together with supporting documents;
- b. the School's response to the referral dated 19 July 2012, supporting documents and subsequent correspondence;
- c. Bournemouth Borough Council's, the local authority (the LA) response to the referral dated 03 July 2012 and supporting documents;
- d. the response of the Diocese of Portsmouth (the Diocese) to the referral dated 11 July 2012 and supporting documents;
- e. the LA's composite prospectus for parents seeking admission to schools in the area in September 2012;
- 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 at which the admission authority of the School determined the arrangements; and
- i. a copy of the determined arrangements for 2011, 2012 and 2013.

The Referral

9. The letter of referral came from the Bournemouth School Admissions Appeals Panel (the Panel). During appeal hearings for the School it became apparent to the Panel that there had been a misapplication of and inconsistency in application of the School's admissions arrangements, and discrepancies with regard to the paperwork. In particular

- a. the arrangements published on the School's website were for 2011-2012 rather than for 2012-2013;
- b. the Supplementary Information Form (SIF) issued by the School to some parents was different from that available from the LA's website;
- c. SIFs received after the published deadline were accepted and no records kept of when they were received; and
- d. the School asked for birth certificates of pupils before a place was offered, which is contrary to paragraph 1.81 of the Code.

Background

10. When parents and carers are deciding for which school they wish to apply and then how to do so, the two sources of information are the LA and the individual school. Those parents accessing the LA website or requesting a paper copy of the composite prospectus would receive the current admissions arrangements for Corpus Christi together with the Common Application Form. They could also download the relevant SIF from the LA website.

11. The oversubscription criteria, after giving appropriate priority to looked after children, give priority to Catholic children. 'Catholic' is defined as children who are baptised members of a church in communion with the See of Rome or children who are being prepared for such baptism. Then places will be offered first to those belonging to other Christian churches and after that to those of other faiths. Proof of membership is a certificate of baptism or equivalent.

12. If any category is oversubscribed, then priority is given first to children with a sibling in attendance at the school at the time the applicant would start at the school. After that, those families that have shown a positive commitment to the church as exemplified by attendance at church at least once a fortnight on average. As evidence of this there is a SIF (called by this school a 'Priests Information Form') which must be signed by the parish priest or equivalent in other churches or faiths. Distance between home and school is then the tie-breaker.

13. Applicants are therefore told that for faith-related categories they must submit

- a. the Common Application Form
- b. the SIF and
- c. evidence of baptism or equivalent.

Consideration of Factors

14. Published arrangements including the SIF. The Panel pointed out that the arrangements on the School's website were those for 2011-2012. This remains true in July 2012. The 2011 arrangements differ from the 2012 notably in that

- a. the 2011 arrangements differentiate between those who are weekly attendees at Mass on Saturday evening or Sunday, and those who attend monthly,
- b. the 2012 arrangements require attendance at least once a fortnight on average, and do not specify when.

So there was and remains room for confusion for parents who do not notice that the arrangements on the School website are out of date.

15. This confusion was further compounded by the fact that some parents requested a copy of the SIF from the School because the School's website did and does not contain a copy. Some received the 2011 SIF from the School which asks the priest to affirm that attendance is either weekly or monthly, in line with the 2011 arrangements. The LA version of the SIF clearly and correctly asks for confirmation that attendance is at least fortnightly on average, in line with the 2012 arrangements. Neither SIF has a heading informing applicant to which year it relates.

16. The panel submitted a copy of the 2011 form and confirmed that it had seen this form completed by applicants and signed by a parish priest for a 2012 application. The LA and the Diocese both state that they were unaware of this. They each had seen only the 2012 arrangements and the 2012 SIF issued by the LA.

17. The School did not deny this aspect of the referral, but sent a copy of the minutes of the Governors' Meeting held on 25 May 2011. This reported that the Admissions and Attendance Committee had agreed that the SIF "needs to be easily identifiable to ensure the most up-to-date form is being used". This did not happen, which may explain how the 2011 SIF was given to some applicants for 2012 without anybody noticing.

18. The admissions timetable. The determined arrangements spell out the admissions timetable. As stated above, applicants for faith-related places were required to submit a completed Common Application Form and SIF together with proof of baptism or the equivalent. There was a deadline set by the LA (15 December 2011) and the School's arrangements state that

“Common Application Forms and the Priests Information Form must be completed and returned to the school or the Local Authority by the deadline date”. Later it is stated “if an application is received after the published deadline then it will not be considered until after the initial offer of places”. The Panel have submitted copies of a letter the headteacher wrote on behalf of the Admissions Committee of the School in February 2012, after the deadline, to all parents reminding those who had not submitted a SIF to do so. The School did not keep a record of when these SIFs were received, but late applicants were considered alongside those who had applied in time, and, according to the Panel, some were offered a place. The School does not refute this, and minutes of a Governors’ meeting on 6 March 2012 report that applicants initially placed in the bottom category because no Priests Information Form nor baptism certificate had been received had indeed been sent a letter requesting the supporting documents.

19. The Diocese in its letter of 11 July 2012 argues

“The SIF is not obligatory and, whether or not it is submitted, does not change the legitimacy of the application to the School. The SIF does not prove the Catholicity of the applicant since a baptismal certificate is all that is required. However, level of church attendance and proof of membership of another Christian or faith tradition is difficult to assess without evidence from a priest or faith leader by way of the SIF.

Most parents understand the application process and are able to complete the necessary paperwork, regrettably a number do not. ... The completion of the SIF is to help rank the children; a valid application having been made on the CAF.”

But the School’s arrangements leave applicants in no doubt that completing and submitting a SIF is an essential part of any application for a child to be considered under a faith-related category within the oversubscription criteria. Furthermore, as stated above, under the heading ‘Late Applications’, the arrangements state

“If an application is received after the published deadline then it will not be considered until after the initial offer of places.”

20. This is a clear case of the School not complying with paragraph 1.34 of the 2010 Code which says, “All admission authorities **must** decide on applications for school places in accordance with their published arrangements.” This resulted in unfairness to some applicants. Unfortunately there is no way of identifying those who submitted their SIF late and were allocated a place nor, therefore, those who submitted their SIF in time but were not offered a place as a result.

21. Birth certificates. Paragraph 1.81 of the Code states

“Admission authorities may request a short birth certificate as proof of date of birth once an offer of a school place has been made, but **must not** request “long” birth certificates”.

Although the arrangements themselves do not mention birth certificates being required, a letter from the headteacher to applicants specifically requires applicants to submit a birth certificate for the child as well as a certificate of baptism and a completed SIF. I have also seen a copy of a receipt issued by the School for those three documents.

22. The Diocese pointed out to the School when it was consulting about its arrangements for 2010 that birth certificates could not be asked for at that stage. The School amended its arrangements accordingly, but in practice did not implement the change.

23. Having looked at the arrangements for 2012, I then considered the arrangements for admissions in 2013-14.

24. The arrangements and the SIF are required to be readily available through the websites of the LA and the School. They are certainly available on the LA website, but the School website still publishes the 2011 arrangements and no SIF.

25. The arrangements themselves have been revised both for the sake of clarity and also to conform with new regulations and the new Code. However there remains an issue regarding the SIF. The arrangements state:

“You are also advised to submit a second form, the School’s Supplementary Information Form (SIF), which you should give to your priest or religious leader to complete. This SIF gives Governors information about your commitment to your church or faith centre. ... both forms should be returned to the school or the Local Authority, (LA), by the deadline date.”

26. There are a number of aspects of this that do not comply with the Code:

- a. “You are advised to submit ...” suggests that the SIF is an optional addition to the application. This contradicts the arrangements later on which stated that a completed SIF is required for those applying for admission under categories 1,2,3,5 and 6. If a completed SIF is required, then it is an integral part of those applications.
- b. According to the arrangements the SIF is designed to be given to the priest/religious leader to complete, under the terms: “The family of the above child has approached me with reference to an application for admission to your school. The above named child and family has a positive commitment to the church as exemplified by an attendance of at least once a fortnight on average.” As the SIF forms part of the application, it should be completed by the parent/carer, stating that they have such a positive commitment to the church. The priest/religious leader should then be asked to confirm this with a signature. It is for the parent/carer to ensure that the form is submitted to the School by the required deadline.

Conclusion

27. We have a story here of mistakes in the drafting of the School's arrangements for 2012 and a lack of rigour in complying with the 2010 Code in administering them. The result of failing to comply with the requirements of the Code may have resulted in some applicants being unfairly advantaged and some disadvantaged. Individual cases where parents appealed have been examined and decisions made through the appeals process.

28. It is important that I acknowledge the validity of the referral and that those responsible for failing to comply with the requirements concerning admissions to the School are made aware of the shortcomings identified in this determination and what changes they need to make to the way they administer their arrangements for admissions in 2013.

29. In addition, the admissions authority must look at the 2013 arrangements in the light of my comments above, and make such changes as are necessary to ensure these arrangements fully conform to the Code.

Determination

30. In accordance with section 88I (5) of the School Standards and Framework Act 1998, I have considered the admission arrangements of Corpus Christi Catholic Primary School Bournemouth for September 2012. I determine that the arrangements do not conform with the requirements relating to admission arrangements.

I have also considered the arrangements for September 2013 in accordance with section 88I (5). I determine that the reference to and aspects of the Supplementary Information Form do not conform with the requirements relating to admission arrangements.

By virtue of section 88K (2) of the Act 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: 14 August 2012

Signed:

Schools Adjudicator: Dr Stephen Venner