

## **DETERMINATION**

**Case reference: ADA002299**

**Objector: Wokingham Borough Council**

**Admission Authority: St Teresa's Catholic Primary School, Wokingham**

**Date of decision: 16 July 2012**

### **Determination**

**In accordance with section 88H (4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by St Teresa's Catholic Primary School, Wokingham for admissions in September 2013.**

**I have also considered the arrangements in accordance with section 88I (5). I determine that they 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. Under section 88H (2) of the Schools Standards and Framework Act 1998, (the Act), an objection has been referred to the Adjudicator by Wokingham Borough Council, the local authority (the LA), the objector, about the admission arrangements (the arrangements) for St Teresa's Catholic Primary School Wokingham (the School), a Voluntary Aided primary school, for September 2013. The objection is to the fact that the School did not determine its admission arrangements for 2013-2014, nor did it publish them on the school website or submit them to the local authority until after the required dates.**

### **Jurisdiction**

**2. These arrangements have been determined under section 88C of the Act by the School's governing body, which is the admission authority for the School. The objector submitted its objections to these arrangements on 21 June 2012. I am satisfied the objections have been properly referred to me in accordance with section 88H of the Act and they are within my jurisdiction.**

## **Procedure**

3. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
4. The documents I have considered in reaching my decision include:
  - a. the objector's form of objection dated 20 June 2012;
  - b. the School's response to the objection dated 29 June and supporting documents;
  - c. a response from the Diocese of Portsmouth (the Diocese);
  - d. the Council's composite prospectus for parents seeking admission to schools in the area in September 2012, as the 2013 is not yet available;
  - e. confirmation of when consultation on the arrangements last took place;
  - f. copies of the minutes of the meeting of the governing body at which the arrangements were determined; and
  - g. a copy of the determined arrangements.

## **The Objection**

5. The LA is objecting to the fact that the School did not submit its determined arrangements to the LA nor publish them on its website until 18 June 2012 contrary to the Code (paragraphs 1.46 and 1.47), which specifies 1 May as the deadline.

## **Consideration of factors**

6. In December 2011 the LA reminded those schools which are their own admissions authority of the requirement to determine their arrangements by 15 April 2012, the required date. This was underlined in a personal email exchange with the headteacher of St Teresa's.
7. On 4 April 2012, the headteacher was reminded that the School's arrangements for 2013-2014 were required to be determined by April 15 and that the LA needed to have a copy of those arrangements.
8. The School had verbally advised the LA that, following Regulation 15 of The Schools Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012, it had not consulted on its arrangements as they were the same as previous years, except for such changes as were required to make them compliant with the Code and Regulations.
9. The School also informed the LA that its arrangements had been determined prior to 15 April 2012. It subsequently transpired that this was not

so. The School's Admissions Committee had agreed the arrangements in February, but the formal determination was not submitted to nor made by the governing body until 4 July 2012.

10. Having seen the arrangements that they believed had been determined, the LA is not objecting to the decision not to consult. The objection is to the fact that determination and publication were not carried out in accordance with the Code.

11. In a letter from the headteacher dated 29 June 2012, the School has freely admitted that did not comply with the Code in this regard.

12. The School had processes in place for review, consultation where necessary, and determination. However this year there has been some uncertainty regarding the published admission number (PAN), due to a planning application that had been submitted. Although planning permission was granted at the beginning of March and an increase of PAN from 35 to 45 for 2013 was agreed, the proper process of determination did not happen as it should. The Admissions Committee met in February when it reviewed and made necessary minor revisions to the arrangements in the light of the Code. The clerk was asked to submit the revised arrangements to the Diocese and LA, but this did not happen, neither were they submitted to the full governing body for determination.

13. The LA sent a further reminder during the Easter holidays, but this was overlooked by the School and checks were not carried out to see what had happened.

14. In response to the LA informing the School that it proposed to lodge an objection with the Adjudicator, the School published the arrangements on its website and forwarded a copy to the LA, even though they had not technically been determined. The governing body finally determined its arrangements at its meeting on 4 July 2012. At that meeting it also agreed a more formal procedure for future years and appointed an Operations Manager whose responsibilities will include ensuring that procedures are properly followed.

15. The Diocese regrets that it was not alerted to the situation by the LA. It points out that the policy was placed on the school's website as soon as the issue was highlighted and that this left a short time for objections to be made to the Adjudicator by 30 June if anyone had wished to do so. It recognises that the statutory requirements have not been adhered to this year, but sees St Teresa's as a conscientious school that will put the agreed safeguards in place to ensure that this will not happen again.

### **Other Matters**

16. I have reviewed the arrangements that have now been determined and agree with the LA that they are very largely compliant with the Code. However I have referred one matter to the School that is unclear and therefore contrary to the Code.

17. Priorities 2, 3 and 4 of the oversubscription criteria refer to "baptised

and practising Catholic children”. There is an explanatory note: “Practising is defined as ‘significant involvement with the church on a frequent basis, i.e. at least twice a month in the twelve months prior to the published closing date for admissions, or the date of application in the case of an in-year application”.

18. However, the Supplementary Information Form (SIF) asks the applicant to sign a statement: “I confirm that I, parent/carer of the child named above, have significant involvement with the church on a frequent basis, i.e. at least twice a month in the twelve months prior to the published closing date for admissions, or the date of application in the case of an in-year application.” The parish priest is asked to confirm this.

19. The SIF is correct that it is the applicant’s, the parent/carer’s, practice of the faith that is being confirmed, not that of the child. So the School has willingly agreed to alter the wording of the explanatory note to the oversubscription criteria as soon as possible to reflect that more clearly. “Practising is defined as children whose parent/carer has ‘significant involvement with the church on a frequent basis, i.e. at least twice a month in the twelve months prior to the published closing date for admissions, or the date of application in the case of an in-year application”.

### **Conclusion**

20. The LA did what it could to remind the School on several occasions of its responsibilities to determine and publish its arrangements within the legal timescale. Although the school was distracted by planning issues, it should have heeded the LA’s warning that its procedures were not being followed, and deadlines were not being met.

21. I accept that the School acknowledges the appropriateness of the objection and has put procedures in place to ensure that such errors do not happen again.

22. It has also agreed to adjust its oversubscription criteria in order to make them compliant with the Code.

### **Determination**

23. In accordance with section 88H (4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by St Teresa’s Catholic Primary School, Wokingham for admissions in September 2013.

I have also considered the arrangements in accordance with section 88I (5). I determine that they 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.

Dated: 16 July 2012

Signed:

Schools Adjudicator: Dr Stephen Venner