

Determination

Case reference: ADA 2693

Objector: Essex County Council

Admission Authority: The Academy Trust for St Clare's Catholic Primary School, Clacton on Sea, Essex

Date of Decision: 16 September 2014

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for admissions in 2015 determined by the governing body for St Clare's Catholic Primary School through delegated authority from the Academy Trust.

I have also considered the arrangements in accordance with section 88I(5). I determine that there are other matters as set out in this determination that 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 School Standards and Framework Act 1998, (the Act), an objection was made to the Office of the Schools Adjudicator (OSA) on 23 June 2014 by Essex County Council (the objector) to the admission arrangements (the arrangements) of St Clare's Catholic Primary School (the school) for 2015. The objection is to the school reducing its published admission number from 45 places to 30 places.

Jurisdiction

2. The terms of the academy agreement between Primary Excellence – A Catholic Education Trust (the 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. These arrangements were determined by the governing body for the school which has delegated authority from the Trust for admission arrangements for St Clare's Catholic Primary School.

3. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

Procedure

4. In considering this matter I have had regard to all the relevant legislation and the Code.
5. The documents I have considered in reaching my decision include:
 - a. the objection received from Essex County Council, the local authority, on 23 June 2014;
 - b. documentation provided by the school including comments on the objection; the determined arrangements for 2015; the supplementary information form; the school's improvement plan 2013 – 2014; the letter from Ofsted relating to the improvement plan; and extracts from research relating to mixed age classes;
 - c. the minutes of the meeting of the governing body held on 11 November 2013 when the proposals for the arrangements for 2015 were discussed;
 - d. information from the school relating to its consultation on the arrangements for 2015;
 - e. the minutes of the meeting of the admission committee held on 14 March 2014 when the arrangements for 2015 were determined;
 - f. information and data from the local authority including the number of applications and preferences for places at the school; maps by year group of the home location of existing children; forecasts of pupil numbers for the area; the local authority's statement of action with regard to the school being deemed to require special measures by Ofsted; and a letter withdrawing delegation of the budget from the governing body as part of the local authority's response to the Ofsted report;
 - g. the report by Ofsted on the school from its inspection in September 2012;
 - h. guidance notes for parish priests on admission to Catholic schools and guidance notes for parents on the priest's reference form provided by the Diocese of Brentwood (the diocese); and
 - i. information available from the Department for Education website including data on children attending schools and eligibility for free school meals.

6. I have also taken account of information that I received at a meeting I convened at the school on 18 July 2014 (the meeting), with representatives of the school, the diocese and the local authority.

Objection

7. The objection is to the reduction of the published admission number from 45 to 30 places. The objector says that the school has sufficient accommodation to maintain 45 places and that a reduction of 15 places for admission to the school in September 2015 is unfair and unreasonable because it may reduce the number of parental preferences for the school that can be met.

Other matters

8. I have reviewed the arrangements as a whole for admissions in September 2015 and considered other issues which may contravene the Code. These include: the consultation on the arrangements undertaken by the school; wording within the arrangements that may discourage applications from those who are not of the Catholic faith; the requirement to admit children who have a statement of special educational need that names the school and to make this clear in the arrangements; the appropriate use and content of the supplementary information form and related documentation; the definition of the term "*brother(s) and sister(s)*" within the arrangements; the provision of information defining the catchment area used by the school; the use of medical and social need when allocating places and the need for greater clarity on the criteria used to assess this; and information about any waiting list for places held by the school.

Background

9. St Clare's Catholic Primary School is a primary academy school in the Diocese of Brentwood, for children aged 5 to 11 years. It was a voluntary aided school until it became a sponsored academy from September 2013. The school is situated in the town of Clacton on Sea in Essex and the majority of children live in the town.
10. Ofsted inspected the school in September 2012 and described the school in its report:
 - *"The school is larger than most primary schools.*
 - *Most pupils are from White British backgrounds and the proportion of pupils eligible for the Pupil Premium is broadly average.*
 - *The proportions of pupils supported at school action and at school action plus or who are disabled or with a statement of special educational needs are broadly average.*

- *Children in the Early Years Foundation Stage are taught in two Reception classes. The school operates a mixture of single-age and mixed-age classes across the rest of the school.*
- *The school meets the current floor standards, which set the government's minimum expectations for pupils' attainment and progress."*

11. Ofsted judged the school to require special measures at this inspection. The summary of areas of concern stated by Ofsted in its report was:

- *"Leaders and governors have not tackled major shortcomings in the school's effectiveness with sufficient pace and rigour.*
- *Pupils' achievement is inadequate, particularly in mathematics, because there is too much weak teaching and not enough that is good. Girls' achievement in mathematics is a significant weakness.*
- *Younger pupils in Year 1 are slow to develop early reading skills because important lessons about letters and sounds are not taught well enough.*
- *The marking of pupils' work does not give them a consistent picture of how well they are doing and the steps they can take to improve.*
- *The management of teachers' performance is weak and has not led to significant improvements in classroom practice.*
- *The governing body has not provided sufficient challenge or held school leaders to account for the quality of teaching and pupils' achievement."*

12. One of the responsibilities of a local authority when a maintained school requires special measures is to provide a statement of action to Ofsted. The local authority's statement of action, provided in November 2012, supported the school's action plan. At this point the action plan did not include reducing the admission number. The local authority approached St Thomas More's Catholic Primary School, a school in Colchester judged to be outstanding by Ofsted, to support the school's improvement. St Thomas More's Catholic Primary School agreed to provide support and the school became part of a multi-academy trust called 'Primary Excellence – A Catholic Education Trust' and a sponsored academy from 1 September 2013. The executive headteacher appointed for the school also leads St Thomas More's Catholic Primary School. A school improvement action plan was agreed by the school for 2013- 2014 and this included reducing the admission number from 45 to 30. The school has told me that the plan was agreed by the school improvement team of the local authority.

13. The new governing body for the school had its first meeting on 11 November 2013. At that meeting the governing body agreed the arrangements on which it would consult. The minutes record that the headteacher described the benefits of the proposed new admission arrangements which were to:
- a. *“Clarify the admissions criteria that at present are too easy to challenge;*
 - b. *Reduce the size of the year groups, as at present they are larger than are needed for the Catholic community and so this reduction in spare places would reduce the school’s vulnerability to pupil mobility;*
 - c. *Help in the improvement of teaching/learning by eliminating mixed-age classes.”*
14. The local authority responded to the consultation and expressed its concern with the proposed reduction in the admission number from 45 to 30 and said that it may have to object if this were determined. The local authority explained that it was concerned at the lack of school places to meet growing need in the area. The school determined its admission arrangements on 14 March 2014 with a published admission number of 30. The local authority made the objection to the OSA on 23 June 2014.

Consideration of Factors

15. The school has had an admission number of 45 for many years and argues that a combination of factors means that year groups of 45 exacerbate problems that will be ameliorated by reducing them to 30. There is intense pressure to raise standards in a school that has been judged to require special measures by Ofsted. The school describes the reduction to 30 as a fundamental part of the plan to address weaknesses in the standards of education in the school. I have considered below the reasons the school has provided for its decision to reduce its admission number.
16. St Thomas More’s Catholic Primary School, which was judged outstanding and is sponsoring the school, used this approach. The school describes single age classes as part of a model which works and which it wishes to repeat. This is why the reduction is in the school’s improvement plan for 2013 – 2014, which has been accepted by Ofsted and the local authority. This is part of the school’s ambition of being judged outstanding by Ofsted within two years.
17. The school believes, as stated by the school in its letter to the OSA, that, *“Mixed age classes are difficult to teach and it is very hard to recruit teachers to these classes.”* At the meeting the school explained that it has only been able to staff its classes by seconding staff from St Thomas More’s Catholic Primary School; by engaging staff through an agency; or by recruiting

through word of mouth. The school said that it found advertisements to be ineffective. The area was described by the school as remote from major centres of population and in an area of low aspiration which means that all schools in the town struggle to recruit suitable staff and mixed aged classes are seen as an extra barrier.

18. There are particular challenges in recruiting senior staff as they have to be Catholic. There have been no applications in the last year for the posts of deputy head and head which remain vacant. This increases the challenges to the school.
19. The concern was also stated by the school in its letter to the OSA that, *“changing peer groups can be very unsettling every year for children, especially those who struggle with academic work or behaviour. It can also cause friction and distress among pupils, parents and staff: the fact that the classes change each year means that some families believe they have a choice as to which class their child is in and it can also create competition as some parents want their children to be in the same class as the children who they perceive to be brighter. This adds additional pressure on school staff and makes it difficult to manage expectations. Pupils are often left disappointed and upset if they are split up from their previous class which can affect their ability engage with school work. Whilst the mixed age model may work well in other contexts, our experience is that a school in special measures will not be able to raise standards unless it moves to a single form arrangement.”*
20. The school continued to say that *“Some of the problems encountered by St Clare’s stem from the social problems and deprivation in the Clacton area. Dealing with these issues in school inevitably takes up teachers’ time and diverts resources away from raising educational standards – a situation which is exacerbated by having mixed age classes. By having a single form of entry, the school will be able to stabilize its intake and ensure that all pupils have the best possible opportunities in relation to both measurable results and personal pride and standards.”* At the meeting the school referred to how some problem children required considerable attention to the detriment of the education of other children and that children moving in and out of the school caused disruption. My understanding of the school’s position is that, with the single form of entry created by an admission number of 30, there would be less opportunity for children to move into the school in year and so there would be more stability. There is also the inference that children who moved into the school were more likely to have behavioural problems and that these children were particularly difficult for a school requiring special measures.

21. In its letter the school referred me to the report by Ofsted issued in June 2013, *“Unseen children: access and achievement 20 years on,”* and to Sir Michael Wilshaw, head of Ofsted, introducing the report saying that isolated coastal towns can have particular challenges in raising educational standards. The school described the majority of schools in Clacton on Sea as either requiring improvement or special measures. The school feels that it can lead the way in raising standards if it is assisted by having an admission number of 30 and thus not mixed aged classes.
22. In its communications to the OSA the school stated its belief that neighbouring schools had spaces and that the shortage of spaces was only short term.
23. With regard to physical space the school’s letter to the OSA says that, *“The net capacity figures are not an accurate reflection of the actual layout and structure of the school buildings which inevitably have an effect on educational outcomes for pupils. There is actually a shortage of space at St Clare’s as there are 11 classrooms, two of which are not big enough. The school only has one small cupboard that is used for intervention work and the rest of the available space is in corridors. St Clare’s is on the border with Jaywick, the country’s most deprived ward, which is inevitably reflected in the school’s catchment. However there is no space in the school for counsellors, one to one teachers, mentors, behaviour support and other professionals to work from.”*
24. I have noted the points made by the school and in considering this objection I have sought to answer the following questions:
- a. Is the physical space of the school sufficient for the admission number of 45 to continue?
 - b. Is there a demand for 45 places at the school which, if the admission number were reduced to 30, would leave 15 children with a need for places which cannot reasonably be provided elsewhere?
 - c. What is the relevance of the view that an admission number of 30 is sufficient to meet the parental preferences of Catholic families in the area?
 - d. Is the case for school improvement, based on creating a single form of entry, sufficient to justify not meeting the demand for places or parental preference to attend the school?

25. In terms of physical space the local authority describes the latest suitability survey for the school as showing the net capacity as 315 with a minimum capacity of 297 and a maximum of 330. The existing admission number of 45 with seven year groups multiplies to make 315 pupil places across the school. The pupil numbers for September 2014 provided by the school are between 41 and 46 in each year group making a total of 302 pupils. The pupil population of 302 for September 2014 is divided into eleven classes.
26. The school has described the limitations of space as being caused, not by the number of classrooms, but the spaces needed outside the classrooms for intervention work of different kinds. The school feels that the levels of deprivation in the area mean that more space is required than may be needed in other circumstances. I have therefore looked at the indications of deprivation in the school.
27. The proportion of children who are eligible for free school meals is the major indicator of deprivation used in education. The Department for Education performance tables record that 24.3 per cent of the school's children are eligible for free school meals. The Department for Education performance tables also record that nationally 19.2 per cent of children in primary schools are eligible for free school meals. This suggests that the levels of deprivation in the area are a little higher than the national levels, but not significantly higher. However, there are schools in the area with far higher levels of deprivation. An example is the primary school, bordering the school's site, with 68.6 per cent of its children eligible for free school meals. This data does not convince me that the levels of deprivation in the school are exceptionally high although I understand that the needs of individual children may be significant. Overall the constraints of physical space alone are insufficient to convince me of the need to reduce the admission number.
28. The data on the demand for places are informed by the work of the local authority which produces forecasts for groups of schools within a specific locality in order to help it fulfil its duty to ensure that there is a school place for every child. The school falls within what the local authority describes as the Tendring Group 2 forecast planning area. Demand for places within this group is increasing. Demand is particularly high from 2015, due to a mixture of inward migration and increased birth rate. The local authority described how it has been holding discussions with schools in the area for some time in order to try to meet the need for places.

29. The table below, based on information provided by the local authority, shows the number of places in the area (without taking into account the planned reduction by the school), the forecast demand for places and the shortfall identified from 2015.

School year	Admission number total for area	Forecast need for places with housing	Forecast gap (-) or surplus (+) with housing	Forecast gap (-) or surplus (+) without housing
2013 – 2014	600	594	+6	+6
2014 – 2015	600	578	+22	+28
2015 – 2016	600	661	-61	-47
2016 – 2017	600	677	-77	-53
2017 - 2018	600	622	-22	+11
2018 – 2019	600	642	-42	0

The table indicates a shortage of places starting in 2015. The local authority has forecast a shortfall of 61 places in 2015 if the anticipated house building goes ahead. If houses were not built then the anticipated shortfall would be 47 places in 2015. The shortfall would be increased by 15 by the reduction planned by the school. The forecast shortfall in places reduces from 2017 and there may be a small surplus of places if the anticipated house building does not go ahead. I am also aware that forecasts based upon the number of children being born and the number of people moving into the area, become less reliable the further into the future one considers. This determination concerns the admission number for admissions in 2015 and the forecast for 2015 indicates a significant need for more places, not fewer in the area.

30. The places at the school for reception have been fully subscribed for the last two years. The intake to reception for September 2014 is 45 with, at the time of the meeting, two appeals pending. Year 1 in September 2014 has 46 children. These figures convince me that there is a demand for places in the area and that there is a parental preference for at least 45 places at the school. This is before the anticipated increase in demand for 2015 (and 2016) across the area. I am therefore convinced that there is a demand for places for 2015 which cannot reasonably be met elsewhere.

31. I will now consider the relevance of the Catholic intake. The school said in its letter to the Adjudicator that, *“The school is a Catholic school and whilst we welcome non-Catholic pupils under category 7 of our admissions policy, our*

records show that approximately 29 – 30 children in each year group are Catholic. Therefore, the school is meeting parental choice in terms of the Catholic need in the area and, in the circumstances, is unfortunately not in a position to make provision available beyond 30 places.” The diocese also expressed the view that it was hard to maintain a Catholic ethos in a school when the school was too big for the Catholic demand.

32. The Code states in paragraph 1.36 that, *“As with other maintained schools, these schools (schools with a religious character) are required to offer every child who applies, whether of the faith, another faith or no faith, a place at the school if there are places available.”* It is therefore my view that the demand for places at the school and the level of parental preference is not materially affected by whether those applying are of the Catholic faith or not. I therefore conclude that the number of Catholics applying for places at the school is not a basis for reducing the places available.

33. On the school improvement aspect I have considered the Ofsted report referred to me by the school, *“Unseen children: access and achievement 20 years on.”* This explores in detail where disadvantaged children, as measured by the proportion eligible for free school meals, are underachieving compared to their peers and other areas. The report says, *“the weakest performing schools are spread widely across the country, often in towns rather than large urban areas, and with a large number located near to the coast. Interestingly, there are areas of the country, such as the North East, where the strongest and weakest performing schools (in terms of the attainment of their disadvantaged pupils) are in very close proximity. This reinforces the point that economic disadvantage in itself is not an insurmountable barrier to educational success. Some schools with high proportions of pupils eligible for free school meals do very well for this group, while others in the same geographical location do not.”* My understanding of the key messages of the report is that the most important factors include the quality of the leadership and of the teaching.

34. The local authority has duties to ensure sufficient pupil places and to promote high educational standards and there may be a tension between these two responsibilities. I asked the local authority’s school improvement team to comment on the school’s improvement plan and the intention to reduce the admission number to 30. The local authority explained by email:

“Following St Clare’s being judged to require special measures by Ofsted, Essex County Council (ECC) brokered with the Diocese for the school to be sponsored by St Thomas More Primary School. This is the standard school improvement response by ECC when a school is judged inadequate by Ofsted and follows the policy of the Department for Education. The

sponsorship arrangement is now having an impact on standards at St Clare's with the percentage of children achieving Level 4 in reading, writing maths combined improving from 48% in 2013 to 78% in 2014 (please note this is provisional and not published data). Whilst further improvement is required in both the attainment and progress of pupils at the school the sponsorship by St Thomas More is presently impacting on standards and outcomes at the school. ECC have a significant number of schools with 0.5 form of entry arrangements and we do not make a correlation between this factor and school improvement – it is how effectively the school leads and manages these arrangements, therefore given the need for places at the school in our view there is not a school improvement argument to support the proposed reduction from 1.5 form of entry to 1.0 form of entry.”

35. This led to further emails from the school challenging whether this really reflected the professional opinion of the school improvement team who were supporting the school. An email was sent by the school improvement team leader from the local authority to the school which provided it to me. It says, *“It is my view that mixed age classes within a primary school create additional challenges for both the leadership of the school and for class teachers. Apart from the complexities of planning curriculum delivery and tracking pupil progress, they can provide a barrier to the recruitment and retention of staff and create additional parental pressures in terms of which classes their children are placed in. Whilst I welcome the discussion about the challenges your school is facing and appreciate your view as to the benefits of reducing rather than enlarging or maintaining the current size of the school, ultimately the Council requires the places at the school and therefore will continue to make representation to the schools adjudicator to this effect. We do remain absolutely supportive of the school and will provide what assistance we can but the place planning argument is the one that prevails within the Council.”*
36. The school's case for the reduction to its admission number is based on being able to provide a higher quality of education to 30 children than to 45 children. The school argues that the factors relevant to school improvement are: the school is struggling to recruit teachers and part of this is that they have to teach mixed aged classes; it is harder to teach mixed age classes; children have to change class groups in order to accommodate the mixed age classes and this is disruptive to their wellbeing and their learning; the admission number of 45 gives capacity for children to move into the school and this increases the potential for disruption to learning; and more intervention space outside of classrooms is needed and this can be created by having less classes. This last aspect has already been considered above.
37. The school is rightly ambitious to improve quickly; it has set itself the target of being judged outstanding within two years. It will take up to seven years for

the reduction in the admission number to have the school's desired effect of creating single age classes throughout the school. The number of staff required would slowly reduce over that time which would minimally ease the recruitment difficulties the school faces and also be reflected by its overall budget reducing. It would take until 2021 to have seven classes working up from reception. During that time the school would begin to have greater flexibility in its class organisation and use of space. The reception class, for example, is currently taught in two groups and so an intake of 30 to reception in a single class would give some flexibility as to how other class groups are organised.

38. It may be that it is harder to recruit quality staff to teach at the school because of the mixed aged classes. The location of the school, its Catholic ethos and the judgement of requiring special measures are also significant factors that potential applicants might consider. The school argues that removing one of these factors, mixed age classes, will help its situation. In my judgement, and considering the Ofsted report, "*Unseen children: access and achievement 20 years on*," cited by the school, it is good or outstanding leadership that is more likely to attract quality staff. It will take the school a number of years to achieve single-age classes and the difference made to recruitment will be over that period. I am not convinced that the challenges of recruiting to the school or of teaching mixed-age classes are sufficient to justify reducing the admission number from 45 to 30 in 2015 in order to avoid mixed-age classes.
39. The school says children can be distressed when moved from their friends, or to stay with a teacher when their peers appear to move up to another class, and this is one of the effects of mixed-age classes. However, parents have applied for places at this school for many years, knowing that the school will have mixed-age classes. Schools have a variety of approaches to manage the potential effect on children and, while it increases the challenge to the school, it is possible for this school, like others who provide good and outstanding education, to address this.
40. The school's view is that it would be easier to achieve higher standards if there were less movement of children into the school, particularly ones with behavioural problems. Paragraph 3.8 of the Code states, "*Admission authorities **must not** refuse to admit children in the normal admissions round on the basis of their poor behaviour elsewhere.*" Similarly paragraph 1.9h of Code states that admission authorities, "***must not** discriminate against or disadvantage disabled children or those with special educational needs.*" While the school may not intend to refuse places because of a child's poor behaviour or discriminate against or disadvantage those with special educational needs, it is possible that the reduction in its admission number

could have that effect. It is not acceptable for the school to reduce its admission number as a means to avoid having to admit children who need a place whether for the admission year or any other year group when there is a need for places.

41. I have considered the school's arguments about improvement carefully. I have also noted parental preference for places at the school and local authority forecasts for need for school places in the area. I am not convinced by the arguments provided by the school that the admission number should be reduced from 45 to 30 in these circumstances and therefore uphold the objection.

Other matters

42. As described above I have reviewed the arrangements as a whole for admissions in September 2015 and considered other matters which may contravene the Code. These include

- a. the consultation on the arrangements undertaken by the school;
- b. wording within the arrangements that may discourage applications from those who were not of the Catholic faith;
- c. the requirement to admit children who have a statement of special educational need that names the school and to make this clear in the arrangements;
- d. the appropriate use and content of the supplementary information form and related documents;
- e. the definition of the term "*brother(s) and sister(s)*" within the arrangements;
- f. the provision of information relating to the catchment area used by the school;
- g. the use of medical and social need when allocating places and the need for greater clarity on the criteria used to assess this; and
- h. information about any waiting list of places held by the school.

I will consider these in the order given. The arrangements use the term 'category' for the oversubscription criteria; I will use the term, 'criterion' or 'criteria.'

43. I asked what, in terms of consultation, was meant by the minutes of the governing body for its meeting 11 November 2013 recording its approval for the "*proposed Admissions Policy 2015 – 2016 as presented and for its submission to the Local Authority.*" The school provided evidence that the proposals had been sent to schools in the area, the local authority and the diocese, but was unclear how it had consulted with parents as required by paragraph 1.44a of the Code which states, "*Admission authorities must*

consult with: parents of children between the ages of two and eighteen.” The lack of evidence regarding consultation with parents beyond those whose children already attended the school persuades me that the consultation did not meet the requirements of the Code. This must be addressed for future consultations.

44. In terms of wording, the arrangements start by stating, *“Applications for admission to St Clare’s Catholic Primary School will be considered from parents who desire a Catholic education for their children.”* The wording, *“will be considered,”* concerned me as the implication is that applications from others will not be considered. At our meeting it was clarified that the school wished to encourage applications for places for Catholic children and those that supported the Catholic ethos of the school, but welcomed all applications. It is my view that the existing wording could give parents the impression that, unless they wished for a Catholic education, they were not welcome to apply to the school. The Code states in paragraph 14 that *“Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.”* The wording needs to be reconsidered to make it easier for all parents to understand that their application would be welcomed and considered against the oversubscription criteria if the school is oversubscribed.
45. The Code in paragraph 1.6 states that, *“All children whose statement of special educational needs (SEN) names the school **must** be admitted.”* The arrangements merely state, *“Pupils with a Statement of Special Educational Needs: The admission of pupils with a statement of Special Educational Needs is dealt with by a completely separate procedure. This procedure is integral to the making and maintaining of statements by the pupil’s home Local Education Authority. Details of this separate procedure is set out in the Special Educational Needs Code of Practice.”* This does not clearly set out the rights of a child with a statement naming the school and so does not meet the requirements of the Code. The school was also aware that from September this right included where a school was named on an Education, Health and Care Plan for a child.
46. I looked at the use of the supplementary information form. The arrangements state that, *“Applications should be made on the Essex Common Application Form which must be returned directly to the local authority by the published closing date. You must also complete the Supplementary Information Form which should be returned to the school by the same date.”* This, in effect, states that the supplementary information form is required to be completed for all applications to the school. The Code states in paragraph 2.4 that admission authorities *“**must** only use supplementary forms that request additional information when it has a direct bearing on decisions about*

oversubscription criteria.” The information required for applications under criterion 5 (looked after children or previously looked after children) or criterion 7 of the arrangements (“*any other application will be considered if places remain*”) do not justify the requirement that every applicant completes a supplementary information form. This must be addressed.

47. The supplementary information form asks for information prohibited by the Code such as contact numbers for neighbours and details of previous schools. Some of this information was irrelevant so does not meet the requirements of paragraph 2.4 (above) or should not be taken into account in an application as detailed in paragraph 1.9 of the Code. The school agreed that this did not meet the requirements of the Code and that the supplementary information form would be changed as soon as possible.
48. Criterion 2 of the oversubscription criteria, is for “*Baptised Catholic children resident in the Parish of Our Lady of Light (Clacton on Sea), and adjoining Parishes of St Sabina's (Brightlingsea) and Sacred Heart and St Francis (Frinton on Sea) where one or both parents are known to be Practising Catholic as evidenced by the Priest Reference Form.*” Applicants under criterion 2 of the arrangements are sent the priest’s reference form in the January preceding the September in which their child is due to start. This is accompanied by guidance notes for parents and there is guidance provided to priests in completing the priest reference form. The guidance notes for parents and the priest are not available with the admission arrangements and must be available as they are part of the admissions process.
49. The Code states in paragraph 2.4(e) that admission authorities “***must not ask, or use supplementary information forms that ask, for any of the information prohibited by paragraph 1.9 above or for: both parents to sign the form.***” The priest’s reference form is in two parts, A and B. Part A states clearly that it is to be kept by the priest and is not to be sent to the school. Part A asks detailed questions of both parents about their attendance at church and asks that both parents sign. At the meeting we discussed how this form and the information it requested was used. The diocese explained that criterion 2 of the arrangements only requires one parent to be a practising Catholic, but that the diocese wants to treat the family as a whole so they ask about both parents. For the purposes of admissions the process and information requested can only be that permitted by the Code and requiring information about both parents is prohibited. It may not be possible or appropriate for all families to provide information about both parents and that some families could be put off from applying. This holds equally true for part A and the priest reference form must be changed so that it meets the requirements of the Code.

50. In the advice to parents completing the form it states with regard to part B, which is provided to the school, that the addresses of both parents should be given. This is not appropriate as discussed above and does not meet the requirements of the Code.
51. The diocese explained that part A of the priest's reference form was used as some parents were over scrupulous and so too hard on themselves in terms of judging if they were regular attendees and thus meeting the criteria for a practising Catholic. This meant that the priest would use part A in a conversation with the parents regarding whether a parent was a practising Catholic and then make their judgement. While the diocese may wish to be able to use a discussion with families to assess whether the family is fairly represented on the form and not to be over harsh on itself, this does not sit well with paragraph 1.9m of the Code which states that admission authorities "**must not interview children or parents.**" The school is responsible for ensuring that all aspects of its arrangements comply with the Code. The arrangements do not comply with the Code in respect of paragraph 1.9m as they require a form to be signed by the priest and part of the process for signing the form is a discussion with the family. The school, with the diocese, needs to ensure it meets the requirements of the Code.
52. Criterion 6 of the oversubscription arrangements is, "*Children from other families with a commitment to the other Christian churches as evidenced by the appropriate Minister of Religion.*" There is nothing in the arrangements which explain how this is to be evidenced. The diocese said that the level of applications had meant that applying this over-subscription criterion has not been a problem up until now. It remains necessary that the arrangements 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,*" as stated in the Code in paragraph 14. This is not the case currently and must be addressed.
53. I also discussed a number of other matters with the school which the school agreed to address. This included that the arrangements **must**:
- a. "*state clearly in their arrangements what they mean by sibling,*" as in paragraph 1.11 of the Code. The arrangements only refer to "*those children who have brother(s) or sister(s) in the School.*" This wording is not sufficiently clear.
 - b. clearly define catchment areas as in paragraph 1.14 of the Code. The arrangements state, for some criteria, that baptised Catholic children resident in some parishes have priority. These need to be clear and currently they are not.

- c. “*set out in their arrangements how they will evidence,*” social and medical need if they decide to use it and currently the school gives itself the option of using it. Paragraph 1.16 of the Code refers to this.
- d. include “*a clear, fair and objective waiting list,*” as defined in paragraph 2.14 of the Code. The arrangements make no reference to a waiting list.

Conclusion

54. The school has described its difficult circumstances and the significant challenges it is facing to raise standards of education for its children. It believes that reducing the admission number to 30 would help the school improve. These circumstances are not sufficient for the reasons given above to justify reducing the number of places available to local children whose parents are expressing a preference for this school, and when the forecast for 2015 shows an increased demand for places in the area and a projected shortfall in places even without the reduction made by the school.

55. I have also considered the arrangements as a whole for admission to the school in September 2015 and have concluded that several aspects of the arrangements, as detailed above, do not comply with the Code. The Code requires the admission authority to revise its admission arrangements as quickly as possible with regard to these other issues of non-compliance.

Determination

56. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for admissions in 2015 determined by the governing body for St Clare’s Catholic Primary School through delegated authority from the Academy Trust.

57. I have also considered the arrangements in accordance with section 88I(5). I determine that there are other matters as set out in this determination that do not conform with the requirements relating to admission arrangements.

58. 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.

Date: 16 September 2014

Signed:

Schools Adjudicator: Deborah Pritchard