



DETERMINATION

Case reference: ADA2710

Referrer: A parent

Admission Authority: The Governing Body of St. Gilbert's Roman Catholic Primary School

Date of decision: 18 September 2014

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for St. Gilbert's Catholic Primary School determined by the Governing Body.

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 School Standards and Framework Act 1998 (the Act) an objection has been referred to the adjudicator by a parent (the objector), about the admission arrangements (the arrangements) for September 2015 for St. Gilbert's Roman Catholic Primary School (the school), a voluntary aided primary school for pupils aged 3-11 maintained by Salford City Council, the local authority (the LA). The objection is to how places are allocated and to oversubscription criteria relating to parish boundaries and siblings.

Jurisdiction

2. The arrangements were determined under section 88C of the Act by the governing body of the school, which is the admission authority. The objector submitted her objection to these arrangements on 24 June 2014. I am satisfied that 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

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 objection, dated 24 June 2014;
 - b. the school's response to the objection, dated 9 September 2014;
 - c. the school's determined admission policy for 2015/16;
 - d. the LA's response to the objection, dated 15 August 2014;
 - e. the LA's composite prospectus, "*Choosing a school in Salford*";
 - f. the LA's website;
 - g. The diocesan education service's response to the objection, dated 18 August 2014;
 - h. the diocesan education service's 'Briefing notes Admissions for September 2014; and
 - i. the school's website.

The Objection

5. The parent's objection is twofold. First, that the arrangements are inaccurate in respect of who oversees admissions to the school. The second aspect of the objection contends that the oversubscription criteria name new parish boundaries and so give low priority in allocating places to siblings of children admitted from within the former parish boundaries.
6. Although the objector has not made specific reference to the Code, I am taking the objection to refer to paragraph 14 of the Introduction to the Code, which states that "*admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective*" and to paragraph 2.7, which refers to the allocation of places. I am also considering the objection in respect of paragraph 1.38 of the Code, which places a requirement on admission authorities in faith schools to have regard for guidance from representative of the faith if they use faith-based oversubscription criteria. The reference to parish boundaries I will consider in relation to paragraph 1.8 of the Code, which references discrimination against particular groups.

Other matters

7. Although the arrangements for 2015/16 were available from the LA's website in the composite prospectus, they were not on the school's website at the time the objection was made. In the course of considering the objection I reviewed the arrangements as a whole and noted that the tie-breaker does not meet fully the requirements of the Code. The information about waiting lists does not fulfil the requirements of the Code, by not making reference to the effects of adding names to the list. Although a note to the arrangements defines 'sibling', this term is not used in the oversubscription criteria, which simply refer to "*brother or sister*".

Background

8. The school is a Catholic voluntary aided primary school for 3-11 year old pupils, in the Diocese of Salford (the diocese). There are about 260 pupils on roll, including some 65 in the nursery, according to the most recent school census data. The school was inspected by Ofsted in July 2014, and was judged to be outstanding in all aspects.
9. The arrangements for 2015 were determined by the governing body, and follow closely a specimen policy and accompanying guidance issued by the Salford Diocesan Office for Education.
10. The school has a planned admission number (PAN) of 30. The arrangements provide, as required, that children with a statement of special educational need, or an education health and care plan, in which the school is named, will be admitted. Oversubscription criteria are then, in summary:
 1. Baptised Roman Catholic looked after or previously looked after children.
 2. Baptised Roman Catholic children living in two named parishes, with priority for those with brothers or sisters in the school at the time of admission.
 3. Baptised Roman Catholic children living in other parishes with a brother or sister in the school at the time of admission.
 4. Other Baptised Roman Catholic children resident in other parishes.
 5. Other looked after or previously looked after children.
 6. Other children with a brother or sister in the school at the time of admission.
 7. Other children.

11. There is a distance tie-breaker, using a LA computerised measuring system, which gives priority to those living nearest the school. Random allocation is then used to allocate a final place among children who are otherwise not separable by the distance measurement. These arrangements are clearly explained.
12. The school is popular and oversubscribed. The LA reports that, in the admission year 2014/15, admissions to the school *"have been highly competitive, with the school reaching its PAN within criterion 2 of its oversubscription criteria."* In three previous admission years for which LA data are available, there were almost 50 first preference applications for the 30 available places. Between two and five appeals were heard in each of the previous three years, none of which was successful. The LA confirms that it is *"in conversation"* with the diocese about the need to provide additional Catholic school places within the area.

Consideration of Factors

13. The first issue raised by the objection is that *"The criteria ... states [sic] the Parish Priest is responsible along with the governing body for the admissions."* The objector states that she wrote to the priest when informed that her son had not been allocated a place at the school, despite having a sibling in attendance, and that the priest *"wrote back to say he was not involved with the admissions ... This means the documents the school has provided is [sic] false."*
14. Paragraph 14 of the Introduction to the Code says that *"admission authorities **must** ensure that the practices ... used to decide the allocation of school places are fair, clear and objective."* The school's arrangements say, *"The school's governing body is the admissions authority and is responsible for taking decisions on applications for admissions. An admissions committee, which will include the Headteacher, Chair of Governors, and Parish Priest, will oversee the admissions to the school."* This, I suggest, is a fair, clear and objective statement of procedure.
15. The priest's letter to which the objector refers says *"admission arrangements are carefully organised so the priest is not part of them."* This statement needs to be read in the context of paragraph 2.7 of the Code, which states *"Admission authorities **must** allocate places on the basis of their determined admission arrangements only, and a decision to offer or refuse admission **must not** be made by one individual in an admission authority. Where the school is its own admission authority the whole governing body, or an admissions committee established by the governing body, **must** make such decisions."* Thus, although the priest may not have expressed his position very clearly, it seems evident to me that he is making the point that he is simply one member of the admissions committee which makes corporate decisions; he is not there to take individual decisions, or to respond to the outcome of them, in his role as parish priest. The sole test of being Catholic is to provide the child's baptismal certificate so the Parish Priest has no

decision making role in whether an applicant meets the test of being a Catholic or not.

16. I therefore do not uphold that aspect of the objection.

17. The second aspect of the objection contends that the oversubscription criteria refer to new parish boundaries and so give low priority in allocating places to siblings of children admitted from within the former parish boundaries. The objection states, *"The school has acknowledged the importance of prioritising siblings over new families but only if you live in the old parish boundaries. We live in the current parish and closer than most families but due to their criteria still not offered a place."* It is true that the school's arrangements give high priority to siblings. This follows the model policy in the current diocesan guidance, but I have noted that, within its general comments on the structure of admission policies, the diocese does not refer to siblings as a category of applicant for whom special consideration should be given. In this respect, therefore, I find that the school's arrangements have fully met the requirements of paragraph 1.38 of the Code, in that they *"have regard to any guidance from the body or person representing the religion ..."*.

18. The other issue within this aspect of the objection concerns the reference to the "old" or "former" and "new" or "current" parish boundaries. In fact, both the school and the LA have confirmed to me that there have been no changes to the parish boundaries, or to the designated catchment of the school, for at least eight years. During that time, one church (St. Gilbert's) has closed, and that may have led to some confusion on the part of the objector. The area covered by the former three churches was renamed Holy Cross, St. Matthew's and St. Gilbert's parish, and is managed by one priest. The Holy Cross part of the parish, in which the objector lives, has a designated parish boundary which is named in the arrangements for another Catholic primary school, Holy Cross and All Saints. In order to clarify the designated catchments for schools in the context of the enlarged new parish, the arrangements for St. Gilbert's therefore refer to the *"former parishes of St. Matthew's, Winton and St. Gilbert's, Brookhouse, Eccles"* as these are no longer the 'official' church parishes, with the latter church now closed. .

19. I therefore find that the arrangements have taken appropriate account of diocesan guidance and that the designated parish boundaries have not been changed. Despite the objector's assertion that *"I believe they should still prioritise the siblings of children already in school. They were happy to take them all back when they need to fill the classes"*, it is evident that siblings are prioritised, but with different priority depending on where they live and/or their faith. I cannot see any non-compliance with paragraph 1.8 of the Code and so do not uphold this part of the objection.

20. The objector states that *“Families should not be separated, emotionally and practically they need to be together.”* While undoubtedly it is more difficult for families to manage children in different schools, if the oversubscription criteria within the admission arrangements have been applied properly, and the arrangements themselves meet the requirements of the Code in those aspects to which there has been an objection, then no objection can be upheld.
21. For the reasons explained above, therefore, I do not uphold the objection.

Other matters

22. I turn now to the other matters mentioned above. Although the arrangements for 2015/16 were available from the LA’s website in the composite prospectus, they were not on the school’s website at the time the objection was made; the most recent arrangements to be found were those for 2014/15. Paragraph 1.47 of the Code states clearly that, once determined by 15 April in any year, the arrangements **must** be published on the website.
23. In the course of considering the objection I reviewed the arrangements as a whole and noted that the use of random allocation as a tie-breaker does not meet fully the requirements of paragraphs 1.34 and 1.35 in the Code by not making clear that the process will be independently carried out and that it will be used when an offer is made to a name on the waiting list. The information about waiting lists does not fulfil the requirements of paragraph 2.14 in the Code, by not making reference to the effects of adding names to the list, which may result in re-ranking of the names already listed. Although a note to the arrangements defines ‘sibling’, this term is not used in the oversubscription criteria, which simply refer to *“brother or sister”*; this inconsistency lacks the clarity required by paragraph 14 of the Introduction to the Code.
24. The arrangements need to be amended as soon as possible to rectify these shortcomings.

Conclusion

25. The objection drew attention to perceived irregularities in the description of the allocation of places to the school by the admissions committee and the effect of supposed new parish boundaries on the admission of siblings. I found that the description of, and the process for, allocating places meet the requirements of the Code. I also found that the arrangements take due regard of diocesan advice in the matter of siblings, and that the boundaries of the designated parishes that form the school catchment have not changed. The closure of a church, and the resulting change in nomenclature of parishes, may have caused some confusion.
26. I therefore do not uphold the objection.

27. In considering the arrangements as a whole, I found that the school had not published on its website the determined arrangements for 2015/16 as required by the Code. The process of random allocation as a tie-breaker was not fully explained, nor was there sufficient detail concerning waiting lists. Inconsistent references to 'sibling' and to 'brother and sister' are potentially confusing to applicants.
28. It is for these reasons that I conclude that the arrangements are not compliant with the Code and must be revised as soon as possible.

Determination

29. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for St. Gilbert's Catholic Primary School determined by the governing body.
30. 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.
31. 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: 18 September 2014

Signed:

Schools Adjudicator: Andrew Bennett