

DETERMINATION

Case reference: ADA/002367

Referrer: Bournemouth Education Appeals Service

Admission Authority: The governing body of Christ the King Catholic Primary School, Bournemouth

Date of decision: 25 July 2012

Determination

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

There is a lack of clarity in the arrangements as to what documents form part of an application and by what date they should be submitted.

The Supplementary Information Form contains matters that are contrary to the Code which should be deleted, and completion of the form cannot be required of all applicants.

It is improper to require to see a birth certificate for the child before the application is considered, and ever to request to see a “full” birth certificate.

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 Christ the King 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 applies to admissions in September 2012 which says at paragraph 1.5:

“A fair system is one that provides parents with clear information about admissions and supports those parents who find it hardest to

understand them.”

3. It points also to failure by the School to follow its own published arrangements, contrary to paragraph 1.34 of the Code which says:

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

4. The School asked for birth certificates of prospective pupils before a place was offered, which is contrary to paragraph 1.81 of the Code, which 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

5. Having looked at the arrangements for 2012 I considered that there are matters that do not comply with the Code and therefore I also looked at the arrangements for admissions in September 2013, including the Supplementary Information Form (SIF).

Jurisdiction

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

Procedure

7. In considering this matter I have had regard to all relevant legislation and the 2010 Code, also the 2012 Code that applies to admissions for 2013.

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

- a. the referrer’s letter dated 3 July 2012 together with supporting evidence;
- b. the School’s response to the referral dated 9 July 2012, supporting documents and subsequent correspondence, including a letter from the Chair of Governors dated 16 July 2012;
- c. the LA’s response to the referral dated 11 July 2012;
- d. the response of the Diocese of Plymouth to the referral and supporting documents dated 16 July 2012;
- e. a map of the area showing other primary schools;

- f. the Bournemouth Borough Council, the local authority (the LA) composite prospectus for parents seeking admission to schools in the area in September 2012; and
- g. a copy of the determined arrangements.

The Referral

9. The letter of referral comes from the School Admissions Appeals Panel (the Panel) on behalf of the Bournemouth Education Appeals Service. 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.

- a. The arrangements published separately on the School's website and the LA's website made no mention of a Supplementary Information Form (SIF). The arrangements published in the LA's co-ordinated admissions book Starting Primary School: Information for Parents/Carers 2012/13 states on page 60, at the end of the School's arrangements:
 - i) "For a copy of the full admission arrangements for the school including the supplementary information form please contact the school direct or view the policy on the Bournemouth Borough Council website at 2012 Admission Policies."
 - ii) The SIF can actually also be found on the LA's website, albeit in a different place.
- b. According to the minutes of the governors' admissions meeting on 22 February 2012 one applicant was elevated from category 8 to 6 due to the production of evidence one week after the closing date for applications. This was on advice from the Chair of Governors and from the LA despite a letter from the headteacher to all those who expressed an interest in the school which states clearly
 - i) "Parents are advised that no completed application forms can be accepted by schools after midnight Sunday 15 January 2012. ... (that) is the latest date that documentation can be accepted by the LA. ... No further evidence to be considered by the Admissions Committee can be accepted after midnight, Sunday 15 January 2012."
 - ii) The Panel at their meeting heard of one other appellant who had not been able to supply a certificate of baptism by 15 January. If he had known there was some flexibility in the date he would have continued to search.
- c. The same letter from the headteacher includes the following:

“I have checked the registration details you have given to us and give details of your present position
[] We have seen your child’s Full Birth & Baptismal Certificates
[] We need to see your child’s Full Birth Certificate not a summary one.”

As stated above, asking for birth certificates of pupils before a place is offered and for a full birth certificate at all is contrary to paragraph 1.81 of the Code.

Consideration of Factors

Arrangements and SIF

10. The School accepts that reference to their SIF is required in the arrangements but points out that this matter was not raised during the consultation process by either the LA or the Diocese. The headteacher states that the School has now included a sentence in the 2013 arrangements. However, reading the 2013 arrangements on the School’s website, each denominational and faith criteria is followed by the same evidence requirements as before. The only change is that after the final category, which is for all other children who have expressed a preference for the school for whatever reason, there is an evidence requirement: “submission of a Common Application Form including Christ the King among the preferences together with a submission of a signed Catholic Schools Supplementary Form”. There is nothing to say what that form is, how to obtain it, or when and where to submit it. The SIF is still not mentioned.

11. The Diocese agrees that the school’s admissions policy, and the LA’s booklet, should clearly state the need for parents to complete a SIF if they are applying on denominational or faith grounds. It argues however that as most Common Application Forms are now completed on line, the LA should ensure that accessing the SIF electronically is straightforward and obvious. Further, governors have frequently only discovered that there is no SIF when they receive the Common Application Form, and as a result have to chase applicants for the SIF after the deadline for applications. Communication between the LA and the School needs to improve.

12. The Chair of Governors agrees that there is no reference to the need for a SIF. He argues that the arrangements clearly state what evidence is required in each faith category, including baptism certificate and signature of a priest/religious leader. This suggests that in his view, contrary to that of the Diocese and the School, the SIF itself is not an essential part of the application.

13. The SIF used by the School is one produced by the Diocese which states clearly that it is “to be completed for all children seeking admission to a Catholic school in Cornwall, Plymouth, Devon, Torbay, Dorset or Poole Local Education Authorities.” This is contrary both to the 2010 Code and the 2012 Code, as those who apply for a place at the School but do not claim any priority on the basis of denomination or faith will have already submitted all the relevant information in the Common Application Form.

14. Sections 2 to 6 of the SIF apply to different denomination or faith categories and has space for the signature of a minister confirming the statement. However, section 7 reads

*“If you have **not** been able to answer ‘yes’ to any of sections 2-6 above, please consider whether the statement below applies to you. If so, please sign in the space below it. Please note, **it is not essential** to sign your agreement with this statement. Those whose parents do not feel able to sign will still be admitted to the school if there are places available.*

‘This child is not a member of any particular denomination or faith tradition but, as parents/guardians, I/we are would like our child to be admitted to the school as it is our desire that s/he receives faith based schooling in the Catholic tradition.’”

The Code requires that admission authorities “**must** only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria”.

- a. The fact that an application for the School has been made presupposes that the applicant would like the child to be admitted to the school and wishes a faith based schooling in the Catholic tradition.
- b. The form itself states that signing this section is not essential, and the child would still be considered in category 8 (“All other children whose parents express a preference for the school for whatever reason”). So it has no direct bearing on decisions about oversubscription criteria.
- c. Finally, the Code states that a SIF “**must not** ask for ... both parents to sign the form”, yet although this section asks for the “signature of parent/guardian”, the preamble speaks of ‘parents/guardians’ and ‘I/we’.

For all of these reasons, this section should be deleted as should all reference in the arrangements and on the SIF to a requirement for all applicants to complete the SIF.

15. The School should state clearly in its determined arrangements

- a. that completing the SIF is an essential part of every application under a denomination or faith criterion ;
- b. where a copy of the SIF can be found or obtained; and
- c. when and to where it must be submitted.

16. Arrangements have to be fair and clear. They are obviously neither at the moment. Paragraph 14 of the 2012 Code says,

*“In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places 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.”*

paragraph 1.8 requires that “oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation.”

17. It is imperative that the School should confirm that completion of the SIF is an essential part of every application under denomination or faith criteria. They should then make clear as soon as possible that
- a. documentation required for such an application includes a completed Common Application Form and a completed SIF; and
 - b. the date by which both forms together with supporting evidence must be received, and that the Common Application Form should be sent to the LA and the SIF to the School.

The admissions process

18. The Adjudicator cannot be involved in individual cases, but it is proper that I consider the way in which the admissions authority followed their own arrangements.

19. The School believes that it was acting in good faith when it accepted a baptism certificate submitted a week after the deadline for the submission of applications. It sought advice from the LA before doing so. The LA advised that because neither the determined arrangements nor the SIF specified a date by which all SIFs and supporting evidence had to be provided, the School could if it wished accept evidence submitted late.

20. The School, the LA and the Diocese acknowledge that they need to publish clearly in future arrangements the deadline by which applications need to be received and what documents constitute the completed application.

21. Other applicants who had failed to submit their evidence by the deadline could perhaps justifiably claim that they were unaware of any flexibility. That is a matter for the appeal process, but it does underline the importance of clarity in future arrangements.

Birth certificates

22. The School and the Diocese accept that requiring to see a birth certificate before applications are considered is a breach of the Code as is any requirement to see a “full” birth certificate. Such references will be removed from the 2013 letter from the headteacher acknowledging receipt of the application. The LA had not seen the letter before this matter was raised with the Adjudicator but are now in communication with the School about improving the wording.

Conclusion

23. Throughout this determination exercise there has been an acceptance by all concerned that the referral is justified and that lessons need to be

learned for next year.

24. Some correspondence suggests that the School will “ensure that the administrative errors are corrected in the future”. Whilst there undoubtedly have been administrative errors, the shortcomings of the arrangements have led at the very least to uncertainty for applicants, and possible unfairness in the way that applications have been treated.

25. In that spirit the School has already begun to make the necessary changes, and is committed with the Diocese and the LA to ensure that all goes well for 2013. I sense that the School wants to ensure that it is clear and fair in all its dealings, and that it will seek to respond positively to this determination.

Determination

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

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Dated: 25 July 2012

Signed:

Schools Adjudicator: Dr Stephen Venner