



DETERMINATION

Case reference: VAR655

Admission Authority: The governing body of St Gregory's Catholic Primary School, Chorley

Date of decision: 25 November 2014

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the governing body of St Gregory's Catholic Primary School, Chorley, Lancashire for admission in September 2015.

I determine that the admission arrangements will be amended to give admission priority to the siblings of baptised Catholic children who attend the school over baptised Catholic children who are resident in the parish of St Gregory's. In addition the arrangements will give first priority admission to all looked after and previously looked after children.

The referral

1. The governing body, as the admission authority of St Gregory's Catholic Primary School (the school) has referred variations to the adjudicator about the admission arrangements (the arrangements) for the reception year (YR) for September 2015.
2. The school has experienced a rapid and unexpected rise in the number of applications for YR which has resulted, for the first time in September 2014, in a number of baptised Catholic children being unsuccessful in securing a place in the school and this included three applicants who were siblings of children on roll in the school at the time. The governing body is requesting that the oversubscription criteria should be varied so that siblings of baptised Catholic children who attend the school should have higher priority for admission than other baptised children. In addition the governing body is taking this opportunity to request a variation to give first priority within the oversubscription criteria to all looked after and previously looked after children.

Jurisdiction

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which states that:

“where an admission authority (a) have in accordance with section 88C determined the admission arrangements which are to apply for a particular school year, but (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in circumstances occurring since they were so determined, the authority must [except in a case where the authority’s proposed variations fall within any description of variations prescribed for the purposes of this section] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations”.

4. I am satisfied that the proposed variation is within my jurisdiction.

Procedure

5. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
6. The documents I have considered in reaching my decision include:
 - a) the request form for an in-year variation from the school;
 - b) minutes of the extra-ordinary meeting of the full governing body meeting;
 - c) the net capacity assessment for the school;
 - d) the response from Lancashire County Council, the local authority (LA);
 - e) the response from the Archdiocese of Liverpool (the diocese);
 - f) the LA’s booklet for parents seeking admission to schools in September 2015;
 - g) details of the consultation process undertaken by the diocese and the responses from that consultation; and
 - h) a map showing the site of the school and other primary schools in the area including other catholic schools.

Background and consideration of factors

7. The school is a voluntary aided Roman Catholic school for 5 to 11 year olds and the governing body is the admission authority. The published admission number (PAN) for admission to YR is 30.
8. The governing body determined the arrangements for admission to YR in September 2015 in the spring of 2014 and published the arrangements on the school's website in line with the requirements of the Code. The administration of the arrangements for September 2014 resulted in unexpected consequences and the governors are seeking to vary the arrangements so that these consequences are ameliorated in September 2015.
9. In September 2013 the school received 29 first preference requests for admission into YR; for September 2014 this had risen to 51. The school reports that the LA had anticipated no shortfall in pupil places for September 2014 and therefore this oversubscription was not expected by the school. As a result of the oversubscription nine baptised Catholic children were unable to obtain a place at the school; three of whom were siblings of pupils currently on roll.
10. The current oversubscription criteria within the arrangements are as follows:
 - 1) Baptised Catholic looked after children, and adopted children who were previously looked after.
 - 2) Baptised Catholic children living in the Parish of St Gregory's, Weldbank, Chorley.
 - 3) Baptised Catholic children who have a brother or a sister at the school at the time of likely admission.
 - 4) Baptised Catholic children living in other Catholic parishes.
 - 5) Looked after children who are other than Catholic, and adopted children other than Catholic who were previously looked after.
 - 6) Children who are other than Catholic who have a brother or a sister at the school at the time of likely admission.
 - 7) Children from other Christian denominations. Proof of Baptism in form of Baptismal Certificate or confirmation in writing that the applicant is a member of their Faith community from an appropriate Minister of Religion is required.
 - 8) Children of other faiths. An appropriate Faith Leader would need to confirm in writing that the applicant is a member of their faith group.
 - 9) Children whose parents express a preference for a place at the school.

Notes define sibling and baptised Catholics and a supplementary information form (SIF) is also published.

11. In July 2014 the LA consulted the school about a possible expansion in view of the need for additional pupil places due to the population increase in the area. The LA anticipated that there would be a shortfall of 27 primary places across the Chorley area in September 2015. Following a feasibility study the LA suggested that the school could increase its intake by 0.5 form entry. An extra-ordinary meeting of the governing body on 7 July 2014 was provided with details of the number of baptised children living in the parish. The headteacher had reviewed the parish records concerning possible intake in September 2015 and reported that of the 39 children baptised only 21 live within the parish boundaries. The governing body made the unanimous decision not to progress the school's interest of expansion further.
12. At the same extraordinary governing body meeting there was a detailed discussion about the unexpected rise in applications for admission in September 2014 and the subsequent number of Catholic children including siblings of pupils at the school who were unsuccessful. The senior diocesan officer present at the meeting explained to the governors that there had been sufficient places at Catholic schools available for children in the LA for the September 2014 intake and that two Catholic primary schools in the area had been undersubscribed. This meant that all Catholic children who wished to attend a Catholic school would have been able to do so. He explained that the families of some children who had been disappointed not to be admitted to the school had subsequently decided to attend a non-Catholic school.
13. The governing body resolved that the unexpected non-admission of siblings in September 2014 constituted a major change in circumstances for the school. The governors recognised that no school can provide a guaranteed place to all those who apply but they had particular concern that in future a number of siblings of children already attending the school may not obtain a place. The headteacher reported that *"there was considerable strength of feeling from parents that this year's admissions had seen Catholic siblings unable to attend the school together and that our policy did not protect the family unit"*.
14. I have read the minutes of the extraordinary governing body meeting and I accept the strength of feeling concerning the inability of the school to accommodate Catholic siblings in September 2014 and I agree that, as this was unexpected, it constituted a major change in circumstance for the school.
15. The governing body agreed a proposal from the diocese that a consultation process was carried out which asked for opinions on a change of oversubscription criteria to place priority for Catholic siblings above priority for those living in the parish. At the same time the governors agreed that the consultation should include amendments to the arrangements in line with the diocesan guidance which places all looked after and previously looked after children as the first priority oversubscription criterion.

16. The archdiocese of Liverpool oversaw a detailed consultation process from 1 September 2014 to 1 October 2014 which included a notice in the local press and written consultation with the governing bodies of all primary and secondary schools in the area, local and adjoining diocese and faith groups, the LA and all parents of the school. Seven responses were received from parents during the consultation and all were in favour of the amendments. Two of the responses came from families of children who had not gained admission to the school for a younger sibling in September 2014. The LA's response to the consultation says that *"the authority has no objection to make to this application to the OSA"*. It goes on to observe that *"some local Catholic residents of the parish may feel aggrieved that governors are (possibly) prioritising families who now live outside of the parish"*.
17. In its response to the Office of the Schools Adjudicator (OSA), the LA states that *"the LA holds no strong views one way or the other about priorities within this school's admission policy. Both the existing and proposed variation are lawful and if the school remains oversubscribed there will inevitably be disappointed families"*.
18. I am of the view that the governing body has taken into account the possibility of parents being disappointed if the school is oversubscribed and they are unable to gain admission for their children. The governing body has agreed that the priority should be to support the family unit and they recognise that this may be to the detriment of families living in the parish.
19. I accept the deliberations of the governing body and I acknowledge that the consultation process administered by the Archdiocese of Liverpool goes beyond the requirements of the Code. I agree the suggested variation to the arrangements and the additional amendment concerning looked after and previously looked after children

Conclusion

20. I agree the variation request from the school and determine that the criteria for oversubscription for admission to YR in September 2015 shall be as follows:
1. Looked After Children and previously Looked After Children.
 2. Baptised Catholic children who have a sibling in the school at the time of admission.
 3. Baptised Catholic children resident in the parish of St Gregory.
 4. Baptised Catholic children resident in other parishes.
 5. Other children who have a sibling in the school at the time of admission.
 6. Children from other Christian denominations.
 7. Children of other faiths.
 8. Other children.
- Appropriate notes to define terms and evidence required will be published alongside the criteria as they are in the current arrangements.

Determination

21. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the governing body of St Gregory's Catholic Primary School, Chorley, Lancashire for admission in September 2015.

22. I determine that the admission arrangements will be amended to give priority to the admission of siblings of baptised Catholic children who attend the school over baptised Catholic children who are resident in the parish of St Gregory's. In addition the arrangements will give first priority admission to all looked after and previously looked after children.

Dated: 25 November 2014

Signed:

Schools Adjudicator: Mrs Ann Talboys