



DETERMINATION

Case reference: ADA2805

Objector: The Fair Admissions Campaign

Admission Authority: The governing body of St Peter's Catholic Academy, Bournemouth

Date of decision: 8 October 2014

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by the governing body of St Peter's Catholic Academy, Bournemouth, the admission authority for the school, for admissions in September 2015.

I have also considered the arrangements as a whole in accordance with section 88I(5) of the Act and I determine that these do not conform with the requirements relating to admission arrangements.

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 objection

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the Office of the Schools Adjudicator by the Fair Admissions Campaign, (the objector), about the admission arrangements (the arrangements), for September 2015 for St Peter's Catholic Academy, Bournemouth (the school), an academy school for pupils aged 4 to 18 years.

2. The objection refers to the requirement for the arrangements for admission to the school in September 2015 to be published on the school's website and the requirement for applicants to respect the ethos of the school. Aspects of the objection refer to the arrangements for admission to the primary phase and include the need to define 'practising' in criteria 1 to 3; to specify the number of years of required practice; for greater clarity of wording and finally, the whole family being required to be practising Catholics. Other aspects relate solely to the arrangements for admission to the secondary phase; these include the need to specify the precise home and school locations and for information about the process and independence of the operation of random allocation.

Jurisdiction

3. The terms of the academy agreement between the Diocesan Bishop and the Trustees of Portsmouth Catholic Diocese and the Trustees of the Brothers of Christian Schools (De La Salle) 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 of St Peter's Catholic Academy, which is the admission authority for the school, on 26 March 2014, on that basis.

4. In this case, the objector submitted the objection to these determined arrangements for 2015 on 30 June 2014 and 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 powers under section 88I of the Act to consider the arrangements as a whole.

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:

- the objection dated 30 June 2014;
- the school's initial response to the objection dated 1 September 2014 and responses to my further enquiries;
- comments from the Diocese of Portsmouth (the diocese) dated 21 August 2014;
- responses from Bournemouth Borough Council, the local authority, (the LA) dated 14 July and 20 August 2014;
- the minutes of the meeting of the governing body held on 26 March 2014, at which the arrangements for admission to the school in September 2015 were determined;
- a copy of the determined arrangements for 2015;
- a copy of the supplemental funding agreement dated 2011; and
- the LA's composite prospectus for 2015.

The Objection

7. The objection raises several matters of concern about the arrangements of the school and cites the paragraphs of the Code which are said to contravene the Code.

Generally

- i. The arrangements are either not yet determined: paragraph 1.46, or not yet published: paragraph 1.47. A statement on the school's website says, "The proposed Admissions Policies referred to above for admissions after 1st September 2015 will be determined by the Governing Body during April 2014."
- ii. Arrangements state, "We ask all Parent(s)/Carer(s) applying for a place here to respect our Catholic ethos and its importance to our School Community" : paragraph 1.9a

The Primary Phase

- iii. Criterion 5 does not define 'practising': paragraphs 1.8, 1.37 and 14.
- iv. In criteria 1 to 3 the number of years of required practice is not specified: paragraphs 1.8, 1.37 and 14.
- v. In criteria 1 to 3 "(a) iii in saying 'or not at all' is indistinguishable from (b): paragraphs 1.8 and 14.
- vi. In criteria 1 to 3 and 5 the requirement for the whole family to be practising Catholics, which discriminates against families where only one parent is Catholic: paragraphs 1.8 and 14.

The Secondary Phase

- vii. Precise home and school locations are not specified: paragraph 1.13
- viii. The process and independence of random allocation is not specified: paragraph 1.45.

Other Matters

8. Having reviewed the arrangements as a whole for admission to the school in September 2015, I considered other matters which may contravene the Code. These include the oversubscription criterion referring to the admission of looked after and previously looked after children; the need for a map of the parishes to be made available with the arrangements; the sixth form arrangements must include information about the admission of students whose statement of special education needs names the school; the requirement for a published admission number (PAN) for external applicants to the sixth form; the application form for the sixth form to be published with the arrangements; and request for information that is not related to the oversubscription criteria.

Background

9. The school is a Catholic all-through academy for pupils and students aged 4 to 18 years and applicants are admitted without regard to aptitude or ability. The school is run under the trusteeship of a Catholic Teaching Order, the De La Salle Brothers, and the Catholic Diocese of Portsmouth. It is located in Bournemouth and serves the Catholic community in Bournemouth, Dorset and Hampshire. The school has just lowered its age range and the first intake to the reception year was admitted

in September 2014. The school has capacity to accommodate 1522 students and has a PAN of 240 pupils for admissions to year 7. There are approximately 1576 pupils on roll, of which around 350 attend the sixth form. Pupils in years 7 and 8 are accommodated on the Iford site over two and a half miles away from the main site at Southbourne where students attend in years 9 to 11 and may also attend the sixth form.

10. The normal years of entry to the school, that is the relevant age groups are the reception class, year 7 and year 12 (the sixth form). The primary phase has a PAN of 60 and the plan is to develop gradually over seven years to its full capacity of 420 by 2020. Arrangements for admission to the primary phase give priority to children living in the parishes within the Bournemouth area.

Consideration of Factors

11. The objection has several aspects and for ease of reference they are grouped together and I will consider each set in turn, against the requirements of the Code.

Generally

i) The admission policy for 2015 is not yet determined or not yet published.

12. The diocese confirmed that the arrangements for 2015 had been determined and that a copy had been received by them. The school explained that the consultation had taken place between 29 November 2013 and 7 February 2014 and it provided evidence that the arrangements were determined at the meeting of a sub-committee on the 26 February 2014 and full governing body meeting on 26 March 2014. The school says its arrangements were published on the school's website on 9 April 2014 which complies with paragraph 1.47 of the code.

13. When I first reviewed the school's website in July 2014 I found the arrangements for 2014 easy to access via the information tab on the homepage. The admissions page itself set out the oversubscription criteria with links provided to the arrangements for year 7 for 2013 and 2014, with the SIF for 2014. However, there were no arrangements for admission to the school in September 2015. Instead there was a statement on the school's website, "*The proposed Admissions Policies referred to above for admissions after 1st September 2015 will be determined by the Governing Body during April 2014.*" A later review on 20 September showed that the arrangements for 2015 have now been published as required, but it unfortunate that the message quoted above has not yet been removed.

14. Paragraph 1.47 of the Code states, "*Once admission authorities have determined their admission arrangements, they **must** notify the appropriate bodies and **must** publish a copy of their determined arrangements on their website displaying them for the whole offer year.....*" At the time of the objection the arrangements were not published on the school's website as required by paragraph 1.47 of the Code and I therefore uphold this aspect of the objection.

ii) We ask all Parent(s)/Carer(s) applying for a place here to respect our Catholic ethos and its importance to our School Community.

15. In the opinion of the school this statement does not breach paragraph 1.9a) of the Code, as this aspect is not considered when applying the oversubscription criteria. The diocese says it is reasonable for the school to make it clear that this Catholic school has a Catholic ethos; and although parents are asked to respect this fact, it is not included with the admission criteria and is not considered when applications are ranked.

16. Paragraph 1.9a states. *“It is for admission authorities to formulate their admission arrangements but they **must not:** a) place any conditions on the consideration of any application other than those in the oversubscription criteria published in their admission arrangements;”*

17. In my opinion the school is communicating to parents its expectation that they will respect the fact that the school has a Catholic ethos. Closer examination of the oversubscription criteria indicates to me that parents have not been asked to formally agree to support the ethos of the school in any practical way and therefore the arrangements in this regard do not contravene the requirement in paragraph 1.9a and for this reason I do not uphold this element of the objection

The Primary Phase

18. The objector has expressed four concerns about the new primary phase arrangements. The school’s oversubscription criteria for the primary phase are contained within a seven page document and the oversubscription criteria state:

“1. Baptised Catholic children in Local Authority Care. This category includes a ‘looked after child’ who was previously looked after but immediately after being looked after became subject to an adoption, residence or special guardianship order. (See explanatory note i)

2. Baptised Catholic children who live within the area served by the School. (For the definition of the area, see explanatory note ii).

3. Baptised Catholic children who live outside the area (as defined in explanatory note ii).

4. Children in Local Authority Care who are not Catholic. This category includes a ‘looked after child’ who was previously looked after but immediately after being looked after became subject to an adoption, residence or special guardianship order.

5. Children of families who are practising members of other Christian denominations who live within the area served by the School. Christian denominations mean churches which are members of Churches Together in England. (See explanatory notes ii and iii)

6. Children of faith traditions other than the Christian faith, who live within the area served by the school.

7. Other children.”

iii) Criterion 5 does not define 'practising'.

19. The school says that 'practising' is defined on the Supplementary Information Form (SIF) which is on page 6 of the seven page policy, and that the arrangements do therefore comply with the requirements of the Code. I notice that parents' attention is also drawn to information about the priority that will be applied for criterion 5, on page 2 of the arrangements, directly underneath the oversubscription criteria. The diocesan guidance to schools states that it is not for admission authorities to define membership or practice in a Christian tradition but for the church leader of the relevant Christian or other faith tradition.

20. The arrangements provide clear information for parents applying for priority for admission under this criterion and others, about how applications will be considered if there are more applications than there are places available. Under the heading '*Oversubscription*' parents are advised that priority will be given as set out, that is, "*Children of families who are practicing members of other Christian denominationsas verified by the priest/minister/vicar or pastor on the supplementary information form*".

21. The SIF requires parents who wish to apply for the priority afforded by criterion 5, to indicate this in section 5, "*Children of families who are practicing members of other Christian denominations who live within the area served by the school*". Paragraph 1.37 of the Code says, "*Admission authorities **must** ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied....*" In this case parents are required to tick box 5 to indicate that they are practising members of other faith traditions and it is then for the priest or faith leader to verify that this is the case by initialling the form. Following diocesan guidance, the school has not pre-determined the period during which families from other faith traditions must have practiced. The arrangements explain that if it is necessary, because of the overall number of applications, to differentiate between applicants in this group, then distance from home to the school will be considered. It is my view that the arrangements provide all the information that this group of parents require in order to complete the application and for these reasons I do not uphold this aspect of the objection.

iv) In criteria 1 to 3 the number of years of required practice is not specified.

22. The school says that stating the number of years of practice is not requested or required by the Code and the SIF states clearly that frequency of practice that is taken into account. The diocese notes that the first three criteria relate to baptised Catholic children and that applicants will either be baptised or not. The level of attendance at Mass is only considered if there are more Catholic applicants applying than there are places available.

23. Although the focus here is on the primary phase I have examined the arrangements as a whole and I note that the secondary arrangements state, "*For Catholic applicants, the child's Parish Priest will be asked to complete a Supplementary Information Form (SIF) and state whether the family's practice has been **weekly** (attending Catholic Mass every Saturday evening or Sunday, at least),*

or **regular** (attending Catholic Mass at least fortnightly on Saturday evening or Sunday), or **occasional** (attending Catholic Mass at least monthly on Saturday evening or Sunday), or **rare** (attending Catholic Mass less than once a month on Saturday evening or Sunday) during the previous twelve months. Children, who are baptised, have made their First Communion and attend Catholic Mass weekly, regularly or occasionally on Saturday evening or Sunday will be deemed to be practising Catholics for the purpose of this Admissions Policy.”

24. The diocese confirmed that there is no prescription laid down by the diocese about the period of attendance, but it was suggested that the school’s arrangements for all phases, should make this point consistently within the arrangements. In my view it is important for the governing body to ensure that the arrangements for the new primary phase are framed clearly and where appropriate are consistent with other points of entry to the school. It is for the admission authority to determine its arrangements but there must be clarity within the arrangements and they must be procedurally fair.

25. At present the arrangements for different phases are inconsistent and this may affect a new family moving into the area with both primary and secondary aged children. If both children are baptised Catholics but have attended Mass for less than the previous 12 months, it may be that only the primary aged child would be eligible for admission. Paragraph 1.8 says, “*Oversubscription criteria must be reasonable, clear, procedurally fair, and comply with all relevant legislation....*” In my view the arrangements do not meet the requirements of the Code in this regard and I therefore uphold this aspect of the arrangements.

v) In criteria 1 to 3 (a) iii in saying ‘or not at all’ is indistinguishable from (b).

26. The objector is referring to note (a) part iii) which says, “*Attendance at Sunday (or Saturday evening) Mass less than monthly or not at all.*” and I must assume to note ii) , “*Attendanceat least monthly*” rather than note (b) which in fact refers to distance from the school. The school acknowledges that the words ‘*or not at all*’ could be removed for categories, 1, 2 and 3 but maintains that this is still distinguishable in that it would indicate a limited church attendance. The diocese says that those who attend Mass ‘less than monthly or not at all’ are treated the same and that this is clear to applicants.

27. My view is that ‘*at least monthly*’ and ‘*less than monthly*’ are clearly distinct from one another. However the additional of the words ‘*or not at all*’ could be confusing for some parents and the arrangements are not sufficiently clear as required by the Code in paragraphs 14 and 1.8; and for these reasons I uphold this aspect of the objection.

vi) In criteria 1, 2, 3 and 5 the requirement for the whole family to be practising Catholics, which discriminates against families where only one parent is Catholic.

28. The school confirmed that it was not the intention in criteria 1, 2, 3 and 5 to require the whole family to be practising and that information to be provided on the

SIF is about the child not the family. The diocese expressed its view that currently the school uses the term 'family' to cover all options. It also uses the term 'parent/carer' in some parts and it would be helpful for the school to have a consistent approach and to use 'parent/carer' throughout, to remove any doubts applicants might have.

29. The arrangements say *'For Catholic applicants, the child's parish priest will be asked to complete a supplementary information form (SIF) and state whether the family's practice has been.....'*

30. The oversubscription criteria refer to *'baptised Catholic children'* but the note that parents are referred to uses the term *'children of families who have shown a commitment to the Catholic Church'*. In my view there is potential for parents to interpret the school's arrangements in different ways and some parents may be discouraged from applying to the school assuming that the school may be taking account of their marital status. The lack of consistency in the terms used does not meet the test of fairness required of arrangements and may breach requirement of paragraph 1.9 that forbids consideration of marital status and paragraph 1.8 says, *"Oversubscription criteria must be reasonable, clear, objective, procedurally fair and comply with all relevant legislation, including equalities legislation."* In my view this requirement is not met and I therefore uphold this aspect of the objection.

The Secondary Phase

31. The final two aspects of the objection relate to the arrangements for admission to year 7 as follows:

vii) Precise home and school locations are not specified.

32. In its response the school explained that home and school locations are specified on page 7 in the definitions of home address and 'distance criterion.' The school is on a split site and for admissions purposes its location is determined as the Southbourne site. A note of the website explains, *"The Governors have determined that the measuring point should be at the Southbourne site where a Student will normally spend up to 5 years as opposed to only 2 years at the Iford site."* The diocese comments that although distance and how it will be measured are defined, the arrangements for admission to the secondary school should specify the entrance point of the school and the entrance point of the applicant's home, as stated in the primary phase arrangements.

33. In the arrangements the governing body has included two separate notes to provide information about the definition of home address and to explain that distance is measure by straight line distance calculated by the LA's Geographical Information System (GIS). However a review of the primary phase information for the same two points reveals a much greater clarity for parents in that the GIS, *".....takes the measurement between the address mapping points of the main entrance of the primary school and the front door of the child's home."* Paragraph 1.13 of the Code says, *"Admission authorities must clearly set out how distance from home to school will be measured, making clear how the 'home' address will be determined and the point in the school from which all distances are measured...."* The school occupies a split site and has explained which site will be used but secondary school sites may

have several entrances to the school building and a number of access points onto the site. The school has not complied fully with the requirement of the Code to specify, as required, 'the point in the school' from which distance will be measured and for this reason I uphold this aspect of the objection.

viii) The process and independence of random allocation is not specified.

34. I was informed by the school that random allocation (currently included as part of the distance criteria in the determined arrangements for 2015-2016) has never been used and that consideration is to be given to replace it with a system based on alphabetical order in the draft arrangements for 2016-2017.

35. The diocese has acknowledged that the secondary arrangements should describe how 'random allocation' will be applied in the unlikely event that it has to be used. The school has not complied with this requirement and I uphold this part of the objection. I would add that if the school were to consider using an alternative method of separating two final applications that were in all regards similar, referring to the initial letter of an applicant's name would in my view be open to challenge.

Other Matters

36. Having reviewed the arrangements as a whole for admission to the school in September 2015, I considered several issues which may contravene the Code.

37. The first issue is that previously looked-after children are included as part of the definition of 'looked-after children' in criterion 1 of the arrangements for year 7 when in practice they form two separate groups. The arrangements should refer to looked-after children *and* previously looked-after children as the Code requires in paragraph 1.7 and explain fully to parents what these terms mean. It is not acceptable to refer parents to a section of legislation as the school has done.

38. The arrangements for admission to year 12, the sixth form, must be also be determined annually and published on the school's website and it is not sufficient for the school to refer applicants to the year 7 arrangements. The school must set out the oversubscription criteria in full starting with the requisite first priority for looked-after and previously looked-after children.

39. There are further issues of concern in relation to the practice of referring sixth form applicants to year 7 arrangements that I will consider later.

40. Information on the school's website tells parents, "*A map showing the location of all of these parishes is available at St Peter's (Lower School) Iford site in Holdenhurst Avenue. If you wish to view it please contact the Iford site on 01202 427291. A copy is also available at the Bournemouth Local Authority's offices.*" The school says, "*Some parts of Parishes are covered by Poole which has until now, operated a different date of transfer. A copy of the map has been held by the Local Authority and is now held by the school should an enquiry be made by any parent (which it never has to date).*"

41. Whether or not a map has been requested to date is not relevant to the fact that some families new to the area may wish to find out which part of a parish is

included and to locate exactly where parish boundaries lie. As this information forms part of the arrangements and may be required by some parents, a map of the parishes should be made available with the arrangements for parents to consult on the school's website. At present the arrangements do not meet the requirement of paragraph 14 of the Code which says parents should be able to easily understand how places will be allocated.

Arrangements for admission to the sixth form

42. The arrangements for the sixth form set out the academic entry requirements and then the oversubscription criteria state:

“In the event that more applicants meet the required criteria than the total course or subject places available, the Governors will, in each case, apply priority as follows:

1. The criteria for entry to Year 7, as set out above. For admission to the Sixth Form, it is expected that a large majority of successful external candidates will be in categories 8, 9 or 10.
2. If a cut-off point for available places occurs at some point within a category, then the “distance criterion” will be applied to determine the successful applicants using the definition described earlier in this Policy for admissions to Year 7.”

43. It seems very odd to me that applicants to the school's sixth form are referred to the determined arrangements for admission to year 7. They have to read and discount several criteria including 2.1, 4 and 5 that refer to their attendance at primary school, which has no relevance to admission to the sixth form. It is also likely that applicants will just refer to the oversubscription criteria and will not also read and note the text that says students with a statement of special educational needs that names the school will be admitted. The arrangements for each phase of education must be set out fully in all aspects so that applicants need only to refer to the determined arrangements for the relevant age group.

44. A further concern is that there is no PAN for the admission of external students to the sixth form. Information in the LA's prospectus for 2015 says: *“**Students Applying from Schools other than St Peter's. St Peter's warmly welcomes applications for Sixth Form entry from Students attending other educational institutions. The size of the Sixth Form intake is such that a significant number of places, over and above those granted to St Peter's students, will be available. These places will be allocated to those who meet the criteria set out below:**”* This does not explain how many places will be available for external applicants. Responding to my enquiry the school confirmed that 75 external applicants were admitted in 2013 and 57 in 2014.

45. When I asked the school whether or not a PAN had been determined for entry to year 12, I was told that the PAN for the sixth form was 240, but this is the total number of students that can be accommodated in each year group rather than the number of places being made available by the school for external applicants each year. Paragraph 1.2 of the Code states, **“Published Admission Number (PAN) - As part of determining their admission arrangements, all admission authorities must set an admission number for each ‘relevant age group’.** Year 12 is a ‘relevant age

group' and if the school wishes to recruit external students to the sixth form it must determine a PAN. This is the minimum number of external students to be admitted. At present the arrangements do not meet the requirements of the Code in this regard.

46. A further concern relates to the availability of an application form for external applicants. The school confirmed that there is no requirement for applicants to complete a SIF for external entrants to the sixth form but there is an application form. When I looked at the school's website I was unable to access an application form online. A tab 'Apply online' reveals a statement, "Applications will open on October 16" but there is no link to a form. When I requested a copy of the application form for admission to the sixth form for 2015, I was told that the form for 2015 is not yet available but as it would be identical to that of 2014, an application for 2014 was provided. The application forms part of the arrangements and needs to be available on the school's website together with a copy of the sixth form arrangements.

47. When I reviewed the application form I found the following section requesting a personal statement, "*On a separate sheet please give brief details of your interests, positions of responsibility, work experience, community work, part-time employment etc. This will help us to get to know you and to prepare for our meeting with you in 2014.*" The Code acknowledges in paragraph 2.4 that in some cases admissions authorities may need to use SIFs in order to process applications. However, they must only use a SIF to request information when it has a direct bearing on decisions about the determined oversubscription criteria. The inclusion of this request for a personal statement has no place on an application form and as currently worded the form does not conform with the requirements of the Code.

48. Referring to the lowering of the school's age range, the diocese says the school has had to deal with the challenge of drawing up arrangements for the new primary phase alongside one already established. The local authority has offered to assist the school to review its arrangements to reflect the requirements of the trustees and the need for parents to be easily able to understand those arrangements. It makes the point that every criterion and definition must be included separately in the arrangements for admission to year R, to year 7 and to the sixth form. The diocese has also offered support to the governing body to review the presentation of arrangements for the two phases of education with the aim of bringing consistency throughout. It is evident from my review of the arrangements, that there are a number of inconsistencies in the three sets of arrangements that may cause parents confusion, there is missing information and there is information on the school's website that is out of date. These matters need to be resolved without delay.

Conclusion

49. There are several aspects to the objection and I have concluded for the reasons provided above, that in the matters detailed in paragraph 7 in part i) and parts iv) to vii), the arrangements do not conform with the requirements set out in the Code and I uphold these aspects of the objection.

50. In the remaining aspects which relate to: ii) parents must agree to support the ethos of the school in a practical way and iii) 'practising' the faith is not defined, I am

not persuaded the paragraphs of the Code specified in the objection have been contravened and for these reasons and those given above I do not uphold these two aspects of the objection.

51. I have also considered the arrangements as a whole, for admission to the school in September 2015 and have concluded that in the following matters, the arrangements do not comply with the Code: the oversubscription criterion referring to the admission of looked after and previously looked after children the wording needs to be amended; information on the school's website should include a map of those parts of parishes that are referred to and relied upon for the consideration of applications; the complete sixth form arrangements should be provided and must include the admission of students whose statement of special education needs names the school; to meet the requirements set out in paragraph 1.2 of the Code a PAN for external applicants to the sixth form must be determined; the application form should be available to view on the website of the school and the request for a personal statement must be removed from the application form for the sixth form, as it has no relation to the oversubscription criteria. With regard to these other issues of non-compliance the Code requires the admission authority to revise its admission arrangements as quickly as possible.

Determination

52. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by the governing body of St Peter's Catholic Academy, Bournemouth, the admission authority for the school, for admissions in September 2015.

53. I have also considered the arrangements as a whole in accordance with section 88I(5) of the Act and I determine that these do not conform with the requirements relating to admission arrangements.

54. 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.

Date: 8 October 2014

Signed:

Schools Adjudicator: Mrs Carol Parsons