



## DETERMINATION

<b>Case reference:</b>	<b>ADA2810</b>
<b>Referrer:</b>	<b>The Fair Admissions Campaign</b>
<b>Admission Authority:</b>	<b>The Governing Body of The Holy Family Catholic School, Keighley, Bradford</b>
<b>Date of decision:</b>	<b>10 December 2014</b>

### Determination

**In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements determined by the governing body of The Holy Family Catholic School, Bradford, for admissions in September 2015. 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 88I(5) of the School Standards and Framework Act 1998, (the Act), I have considered the admission arrangements (the arrangements) for The Holy Family Catholic School, (the school) in Bradford, the local authority area (the LA), a Roman Catholic voluntary aided school for 11 to 18 year olds for September 2015 brought to the attention of the adjudicator on 30 June 2014 by the Fair Admissions Campaign (the referrer). The referral concerns the non-compliance of elements of the admission arrangements with the School Admissions Code (the Code).

### Jurisdiction

2. The referrer said it was objecting to the arrangements on 30 June the last day for making an objection to the arrangements for admission in September 2015. The governors, as the admission authority for the school, had not determined its arrangements at that time and therefore an objection under s88H of the Act was not permissible. The governors determined them at an extraordinary meeting of the People, Pastoral and Ethos committee on 10 November 2014. These arrangements were unchanged from the previous arrangements which

are published on the school's website. Having had the arrangements brought to my attention I am satisfied it is within my power under section 88I of the Act to consider the arrangements for admission to year 7 (Y7) and the sixth form in September 2015 as a whole.

### **Procedure**

3. In considering this matter I have had regard to all relevant legislation and the Code.
4. The documents I have considered in reaching my decision include;
  - a) the referrer's email dated 30 June 2014;
  - b) the school's response dated 9 September 2014;
  - c) the response from the Diocese of Leeds (the diocese) dated 8 September 2014;
  - d) the LA's response dated 15 August and supporting documents;
  - e) the LA's composite prospectus for parents seeking admission to schools in the area in September 2014 and September 2015;
  - f) copies of the minutes of the meeting of the governing body at which the arrangements were determined dated 10 November 2014; and
  - g) a copy of the determined arrangements.

### **Matters raised in the referral**

5. The referrer cites the following elements of the arrangements which are believed to be non-compliant with the following paragraphs of the Code;
  - 2014 admission policy no longer on website (paragraphs 1.47 and 2.14 of the Code);
  - 'by applying to this school parents, or carers, are declaring their support for the aims and ethos of the school' (paragraph 1.9a of the Code);
  - criterion 6 could reveal the maiden name of the parent (paragraph 2.4a of the Code);
  - criterion 8 - no objective criteria for what merits support from a faith leader (1.8/14/1.37 of the Code);
  - not made clear that statemented pupils always gain admission (paragraph 1.7 (sic) of the Code);
  - there is no effective tie breaker to separate two applicants living

equidistant from the school (paragraph 1.8 of the Code); and

- the supplementary information form (SIF) asks for child's gender (paragraph 2.4 of the Code).

### **Other Matters**

6. I have studied the arrangements published at the time they were brought to my attention and draw the attention of the governing body to the requirement in paragraph 5 of the Code which states that *"It is the responsibility of admission authorities to ensure that admission arrangements are compliant with the Code."* The admission arrangements are defined as *"the overall procedure, practices, criteria and supplementary information to be used in deciding on the allocation of school places and refers to any device or means used to determine whether a school place is to be offered"*. The Code outlines the consultation and determination requirements for both points of admission to the school; Y7 and the sixth form. The published arrangements were not consulted on or determined in line with the Code; the Y7 arrangements are not clear or easily understood and the school currently does not have specific arrangements for sixth form admissions.

### **Background**

7. This Roman Catholic voluntary aided school for 11 to 18 year olds falls within the Diocese of Leeds. It has a resourced provision for pupils with autism. The published admission number (PAN) for admission to Y7 is 150. The school is oversubscribed. In 2013 there were 180 applications. Forty five pupils were admitted from feeder schools/parish places, 11 were admitted on faith grounds, 94 were admitted on non-faith grounds with the furthest from the school living 0.41 miles away. Three pupils were admitted on exceptional grounds. In 2014 there were 193 applications; 120 were admitted from feeder schools/parish places, one was admitted on faith grounds, 26 on non-faith grounds with the furthest from the school living 0.4 miles away. Three pupils were admitted on exceptional grounds.
8. Oversubscription criteria for admission to Y7 in 2015 are as follows;
  - 1) Looked after children from Catholic families and looked after children or children who were previously looked after but ceased to be so because they became adopted or became subject to a residence or special guardianship order.
  - 2) Baptised Catholic children who live in the primary school defined areas of St Anne's Keighley, St Joseph's Ingrow, Our Lady of Victories Guardhouse, St Stephen's School Skipton and go to the Catholic primary schools serving those areas.
  - 3) Other baptised Catholic children who live in the above named defined areas.

- 4) Other baptised Catholic children in the Catholic primary schools serving these areas.
- 5) Other baptised Catholic children.
- 6) Children of Catholic Parents evidenced by a Baptismal Certificate from one parent.
- 7) Other looked after children or other children who were previously looked after but ceased to be so because they became adopted or became subject to a residence or special guardianship order.
- 8) Children of other Christian denominations or of other Faiths and whose application is supported in writing, by a minister of religion, or an appropriate religious leader.
- 9) Other children who attend a Catholic school named in Category 2.
- 10) Other applicants.

Notes on these arrangements include the priority for catechumens after baptised Catholics in each of the above categories; priority for siblings within each category and definitions of terms. It includes a statement on the admission of children with statements of educational need. A SIF is also published with the arrangements.

### Consideration of Factors

9. The referral, presented as an objection, dated June 30 2014 states that the 2014 admission policy was no longer published on the website at that time. Paragraph 1.47 of the Code says that *“Once admission authorities have determined their admission arrangements, they **must** notify the appropriate bodies and **must** publish a copy of the determined arrangements on their website displaying them for the whole offer year (the academic year in which offers for places are made).*
10. In the school’s response of the 12 September 2014 the headteacher says that *“The admission policy for 2014 was rebadged with details for 2015, this was to avoid confusion for parents when they are looking for the most up to date information regarding deadlines. We appreciate that the policy for 2014 should have remained on the website”*. The 2014 arrangements were not published at the end of June and therefore the arrangements did not comply with the requirements of the Code.
11. The referrer quotes the following statement from the arrangements; *“by applying to this school parents, or carers, are declaring their support for the aims and ethos of the school”* and it is said that this is contrary to paragraph 1.9a of the Code which states that *“It is for admission authorities to formulate their admission arrangements, but they **must not** place any conditions on the consideration of any application other than those in the oversubscription criteria published in their admission arrangements”*.

12. The school and the diocese say that this is a statement of fact and by applying to any school a parent is declaring their support for the aims and ethos of that particular school. They go on to say that the statement is not included in any of the oversubscription criteria.
13. I am of the view that the statement in the arrangements implies that the support of the aims and ethos of the school could be misunderstood to be a condition of application and deter some potential applicants. The implication is that the parents are declaring support for the aims and ethos by applying to the school and this is contrary to paragraph 1.9a of the Code as the arrangements must not place any conditions on the application other than those in the oversubscription criteria. The arrangements could have a statement about the school's ethos, but it must not appear to be a condition for making an application.
14. Criterion 6 prioritises "*Children of Catholic Parents evidenced by a Baptismal Certificate from one parent.*" The referrer says that this may reveal the maiden name of a parent contrary to paragraph 2.4a of the Code which states that "*Admission authorities **must not** ask, or use supplementary forms that ask, for ... any personal details about parents and families, such as maiden names ....*".
15. The school and the diocese both say that the baptismal certificate is needed as evidence of the faith. The arrangements do not require the maiden name of the parent; however it is possible that the maiden name will be present on the baptismal certificate of the mother of the child. The revealing of this information, even though it may be inadvertent is contrary to the Code at paragraph 2.4a.
16. Criterion 8 states "*Children of other Christian denominations or of other Faiths and whose application is supported in writing, by a minister of religion, or an appropriate religious leader.*" The referrer says that the absence of any objective criteria for what merits support is contrary to three paragraphs of the Code:
- paragraph 1.8; "*Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair*";
  - paragraph 14; "*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*"; and
  - paragraph 1.37; "*Admission authorities **must** ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied*".
17. The school's and the diocese's responses say that the criterion makes it clear that a faith leader has to write a letter of support. The arrangements do not make it clear what is expected of the religious

leader's letter of support. I find that asking for a letter of support without indicating what is expected in such a letter does not meet the requirement for objectivity and clarity in how to meet an oversubscription criterion.

18. Paragraph 1.6 of the Code, not paragraph 1.7 cited by the referrer, states that "*All children whose statement of special educational needs (SEN) names the school **must** be admitted.*" The referrer states that this is not clearly stated in the arrangements.
19. The arrangements contain a paragraph in the notes which states that "*The admission of pupils with a Statement of Special Educational Needs is dealt with by a completely separate procedure. This procedure is set out in the 1996 Education Act. Details of this separate procedure are set out in the Special Educational Needs Code of Practice.*" I am of the view that the admission of pupils with statements which name the school is not explicit or made clear in the arrangements. By referencing part of the Education Act and signposting parents to a procedure which is published elsewhere is unnecessarily confusing and complicated and therefore falls short of the clarity required by the Code.
20. The referrer indicates that there is no tie breaker in the arrangements in line with paragraph 1.8 of the Code which states that "*admission arrangements **must** include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated*". The school and the diocese quote from the arrangements which, in the notes section state that "*If two or more pupils live equidistant from the school the distance each pupil lives by road from the preferred school will be measured and the place offered to the pupil who lives nearest by this means. In the event of this being equal, places will be then decided by random allocation*". I believe that this statement constitutes an effective tie breaker and complies with the Code.
21. Paragraph 2.4 of the Code states that "*admission authorities **must** only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria*". The referrer says that requesting the gender of the child on the SIF is contrary to this paragraph. The school and the diocese say that this is simply a courtesy issue and means that correspondence with the parents can state son or daughter as appropriate. The gender of the applicant has no bearing on the decisions relating to the oversubscription criteria and therefore the inclusion of the question in the SIF is not compliant with the Code.

### **Other Matters**

22. In addition to the matters brought to my attention and considered above I have reviewed the arrangements for admission at Y7 and the sixth form as a whole.

23. Paragraph 15 of the Code states that *“All schools **must** have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school. Admission arrangements are determined by admission authorities.... Admission authorities **must** set (determine) admission arrangements annually. Where changes are proposed to admission arrangements, the admission authority **must** first publicly consult on these arrangements. If no changes are made to the admission arrangements, they **must** be consulted on at least every 7 years. Consultation **must** be for a minimum of 8 weeks and **must** take place between **1 November** and **1 March** of the year before those arrangements are to apply.... This consultation period allows parents, other schools, religious authorities and the local community to raise any concerns about proposed admission arrangements”*.
24. The published arrangements at the time of the objection state *“amended Spring 2012 after consultation. Approved Spring 2012.”* I have seen excerpts from the minutes of the Teaching and Learning Committee of the governing body from 17 January 2012 and 13 March 2012. At these meetings changes were proposed and agreed by the governing body. There is no record of other consultation.
25. I have also seen the minutes of an extraordinary meeting of the People, Pastoral and Ethos committee of the governing body held on 10 November 2014 at which the arrangements for September 2015 were agreed.
26. The published arrangements do not comply with paragraph 15 of the Code in the following ways;
- the admission authority for the school is the governing body and, whilst the development of the admission arrangements may be devolved to a subcommittee the arrangements must be determined by the full governing body. In March 2012 and November 2014 the arrangements were agreed by a sub-committee of the governing body.
  - the 2012 minutes indicated that there were two proposed changes to the arrangements (criterion 1 relating to looked after and previously looked after children and criterion 6 which introduced the criterion relating to children of Catholic parents) and governors were asked to review the policy and forward any comments to the school before the next meeting. At the second meeting the admission policy was agreed. The amendment to criterion 1 may have been in response to changes in the Code and therefore this would not have required consultation as it could be amended in line with paragraph 3.6 of the Code which states that *“admission arrangements cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code.”* The introduction of criterion 6 constituted a significant change to the

arrangements and this required a suitable consultation to be carried out in line with paragraph 15 the Code. This was not undertaken in 2012 when the last amendments to the arrangements were made; and

- arrangements must be determined annually even if there are no proposed changes and I have seen no evidence that they have been determined between 2012 and 2014.

27. In addition, other elements of the arrangements for admission to Y7 and the sixth form are non-compliant with the Code as follows;

- criterion 6 prioritises “*children of Catholic parents*”. These children are not formally “*of the faith*” therefore must not be given priority over looked after and previously looked after children not of the faith as shown at criterion 7 in line with paragraph 1.37 of the Code which states that “*where any element of priority is given in relation to children not of the faith they **must** give priority to looked after children and previously looked after children not of the faith above other children not of the faith*”.
- similarly, catechumens are not yet formally ‘of the faith’ as they are not baptised and therefore any reference to them in the oversubscription criteria must place them after looked after and previously looked after children not of the faith in line with paragraph 1.37 of the Code.
- the notes under the oversubscription criteria in the arrangements state that “*Catechumens are to be given priority next after baptised Catholics in each of the above categories*” and “*The attendance of a brother, or sister, at the school at the time when the younger child starts school will increase the priority of an application within each category*”. There is no reference in the oversubscription criteria to catechumens or siblings being given priority for admission or how this will be administered. These notes could be confusing to parents and contrary to paragraphs 14, 1.8 and 1.37 of the Code and they require amendment; and
- within the arrangements, reference to admission to the sixth form is limited to the following; “*Entry to the sixth form is available to all existing students subject to fulfilling the individual requirements of suitable courses. Admission arrangements are dealt with separately by the sixth form administrator. The governing body of The Holy Family Catholic School retains the right to refuse admission to the sixth form if necessary*”. Paragraph 15 of the Code provides details about when admission arrangements must be determined and applies to admission arrangements for Y7 and the sixth form. I can find no published admission arrangements for the sixth form. In order to comply with the Code arrangements are required to be



compiled, consulted upon, determined and published; a PAN for the sixth form, criteria to be used for admission if the sixth form is oversubscribed and a tie breaker are required. This requires urgent attention in order to conform with the Code.

### **Conclusion**

28. I have found matters as indicated above about the arrangements brought to my attention and other matters that do not comply with the Code.
29. Overall, the arrangements were not determined in line with the Code; relevant consultation was not carried out and the admission authority has not determined the arrangements annually. This requires the urgent attention of the governing body.
30. The explanatory notes in the arrangements concerning references to catechumens and siblings are unclear and require clarification and amendment.
31. In addition I conclude that the arrangements for admission to the sixth form do not conform with the Code and require urgent attention.

### **Determination**

32. In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements determined by the governing body of The Holy Family Catholic School, Bradford, for admissions in September 2015. I determine that they do not conform with the requirements relating to admission arrangements.
33. 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: 10 December 2014

Signed:

Schools Adjudicator: Mrs Ann Talboys