

## **DETERMINATION**

**Case reference:** ADA/002203

**Admission Authority:** St Thomas' CE Voluntary Aided Primary School, Sefton

**Date of decision:** 3 October 2011

### **Determination**

In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements of St Thomas' CE Voluntary Aided Primary School, Lydiate.

I determine that for September 2012 admissions, the arrangements for St Thomas CE Primary School, Lydiate, should be as follows:

Criteria 1-4 are retained. Criterion 5 is replaced as follows;

**"Criterion 5. Children of parents who are occasional churchgoers (example - someone who attends church once a month)**

Under the heading "Evidence", substitute the following for the existing paragraph;

**"In the event that the school is oversubscribed and Church attendance is the criterion to be applied, applicants must submit a letter from their vicar, priest, minister or pastor confirming that the criterion is satisfied."**

### **The Referral**

The admission arrangements (the arrangements) of St Thomas' CE voluntary Aided School (the School) for September 2012 have been brought to the attention of the Schools Adjudicator, by a letter from the clerk to a local education appeal panel. The panel is of the view that the wording of Criterion 5 is ambiguous and that processes to verify admission under the faith criteria are not robust.

### **Jurisdiction**

These arrangements were determined under section 88(C) of the School Standards and Framework Act 1998 (the Act) by the governing body which is the admission authority for the school.

Under section 88I(5), the adjudicator has the power to consider admission arrangements which come to his attention by any means, other than by way of referral by the Secretary of State or local authority report under section 88P.

I am satisfied that I have the power to consider these arrangements and it is within my jurisdiction under section 88J(2)(a) and 88J(2)(b) to make any necessary changes.

## **Procedure**

In considering this matter I have had regard to all relevant legislation, guidance and the School Admissions Code.

The documents I have considered in reaching my conclusion include;

- the school's response to the referral and supporting documentation;
- the LA's response to the referral;
- the Council's booklet for parents seeking admission to schools in the area in September 2011; and
- comments from the diocese.

## **Key Issues**

The Appeal Panel is of the view that the faith based oversubscription criteria of the School breach the Code because they are not clear, objective and fair. Nor are they easy to understand. The Panel contends that the wording of criterion 5 is ambiguous and that processes to verify admission under the faith criteria are not robust. The published arrangements say that in the event of oversubscription and the application of the church attendance criterion, "applicants may be required to submit a letter from their vicar, priest, minister or pastor confirming the criterion is satisfied." The objection states that none of the applicants appealing to the Panel under faith criteria had been asked to supply a faith reference.

## **Consideration of Factors**

1. Paragraph 2.48 of the Code says that faith based over subscription criteria must be "clear, objective and fair. Parents must easily be able to understand how the criteria will be satisfied." In 1.71 b) the Code says that "Admission authorities and governing bodies must not make subjective decisions or use subjective criteria".
2. The School's over subscription criteria 1 to 4 read as follows;

"Criterion 1. Priority will be given to looked after children.

Criterion 2. Children who have a sibling, including half brother/sister, children living at the same address, and considered to be part of the same family unit, currently attending the school and who will still be there at the start of the academic year in which the child takes up his/her place.

Criterion 3. Children of parents who are at the heart of a Christian church (example – a regular worshipper who attends Church usually twice a month or more.)

Criterion 4. Children of parents who are attached to a Christian Church (example – regular but not frequent i.e. someone who attends a monthly family or Church parade service).

Criterion 5. Children of parents who are known to a Christian Church (example – someone who is an occasional worshipper or who is known through a family connection or involved in a uniformed Church organisation).

Criterion 6. Other children.

## Evidence

In the event that the school is oversubscribed and Church attendance is the criterion to be applied, applicants may be required to submit a letter from their vicar, priest, minister or pastor confirming that the criterion is satisfied.”

3. Criteria 1-4 are clear and objective. Criterion 5 is insufficiently objective and its lack of precision and specificity leaves it open to a range of interpretations. It is therefore not easy for parents to understand how the criterion will be satisfied.
4. In addition, the admission arrangements state that, in the event of oversubscription and the need for application of faith oversubscription criteria, “applicants may be required to submit a letter from their vicar, priest, minister or pastor confirming the criterion is satisfied.” Four out of the six oversubscription criteria are faith criteria, but the statement quoted fails to establish clearly and unequivocally the process by which claims under these criteria are to be substantiated. This introduces a further element of uncertainty for parents about how they can satisfy the criteria.
5. I understand that the School agrees with the view put forward by the clerk to the Appeals Panel, namely that the current arrangements are unclear for parents and that the verification processes are not robust. It has taken advice from both the Liverpool Diocese and Sefton Admissions Department and has changed the faith criteria in readiness for the next admissions round. In future all applicants using faith as a criterion for admission will be required to meet and fill in the supplementary form jointly with their minister so that both parties are fully aware of the outcome. This information will then be sent to the School and the Governors’ Admissions Committee. This process will be fully explained in an accompanying letter that will be sent to parents with the Common Application Form. These revised arrangements will ensure that parents understand how to satisfy the faith criteria.

## Conclusion

All parties are in agreement that the current criteria are insufficiently clear and objective and that their application is therefore hard to understand. There is also a shared view that the procedures to be adopted in the event of oversubscription are not robust enough.

I therefore determine that for admissions in September 2012, Criterion five of the School's oversubscription criteria should be reworded and that the arrangements should state that applicants **must** submit a letter from their vicar, priest, minister or pastor confirming that the faith criteria have been satisfied.

### **Determination**

In accordance with section 88(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements of St Thomas CE Primary School.

I determine that for September 2012 admissions, the arrangements for St Thomas CE Primary School should be as follows:

Criteria 1-4 are retained. Criterion 5 is reworded as follows;

"Criterion 5. Children of parents who are occasional churchgoers (example - someone who attends church once a month)

Under the heading "Evidence", substitute the following for the existing paragraph;

"In the event that the school is oversubscribed and Church attendance is the criterion to be applied, applicants must submit a letter from their vicar, priest, minister or pastor confirming that the criterion is satisfied."

Dated: 3 October 2011

Signed:

Schools Adjudicator: Mrs Janet Mokades