

DETERMINATION

Case reference: ADA002342

Objector: Wokingham Borough Council

Admission Authority: The governing body of Sonning Church of England Aided Primary School, Wokingham

Date of decision: 10 August 2012

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 Sonning Church of England Aided Primary School.

I have also considered the arrangements for 2013 in accordance with section 88I (5) of the Act. 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 88H (2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the Adjudicator by Wokingham Borough Council, the local authority (the LA), the objector, about the admission arrangements (the arrangements) for Sonning Church of England Aided Primary School (the School), a Voluntary Aided Primary School for children aged 4 to 11 for September 2013. The objection is that the school failed to consult regarding its proposed arrangements as set out in the School Admissions Code (the Code) paragraphs 1.42 to 1.45.

Jurisdiction

2. These arrangements were determined under section 88C of the Act by the School's governing body, which is the admission authority for the School. The objector submitted its objection to these determined arrangements on 27 June 2012. 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.

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 LA's form of objection dated 27 June 2012 together with supporting papers;
 - b. the School's response to the objection dated 12 July 2012 and supporting documents;
 - c. an email from the Diocese of Oxford (the Diocese) dated 16 July 2012;
 - d. the LA's composite prospectus for parents seeking admission to schools in the area in September 2012 as that for September 2013 is not yet available;
 - e. a map of the area identifying relevant schools;
 - f. copies of the minutes of the meeting of the admissions committee of the governing body on 7 March 2012; and
 - g. a copy of the determined arrangements for 2012 and for 2013.

The Objection

5. The School began discussing its arrangements for 2013 towards the end of 2011. There were a number of changes to the 2012 arrangements that needed to be made in order to reflect changes in the Code. In addition the School decided to make other changes to its oversubscription criteria to:
 - a. change the definition of sibling;
 - b. omit "St Patrick's Church, Charvil" as one of the churches at which attendance at worship can be affirmed; and
 - c. add to section 4 on children with a normal address outside the ecclesiastical parish of Sonning seeking to make provision for those who have recently moved and worship at the parish church but have been regular worshippers somewhere else before their move.

6. The objection is that these are changes upon which the Code requires admission authorities to consult by 1 March including any supplementary information form (SIF) that will apply and that the School failed to do so.

Background and consideration of factors

7. When considering the arrangements for 2013, the governors of the School amended their 2012 arrangements to reflect the changes in the Code

for 2013. In addition, they made the changes outlined above.

8. The amended arrangements were sent to the Diocese and the LA. On 28 February 2012 the LA emailed the School following a meeting of the LA's School Admissions Forum on 22 February 2012 to point out that there were changes in the arrangements which necessitated consultation.

9. Despite this email, according to the School's admissions committee minutes of 7 March 2012, while there had "been difficulties getting this year's policy finalised with several items being reviewed and requiring amendment", the minutes of the committee meeting say that the arrangements had been determined.

10. Even then emails continued to be exchanged between the headteacher and the LA regarding further changes.

11. The headteacher in her letter to the Adjudicator of 12 July 2012 apologized and acknowledged the objection, admitting that the School did not adhere to the rules regarding consultation.

12. Although neither the Diocese nor the LA object to the changes as such, I am of the view that I have to consider the changes to assess whether they are such that the governors should have undertaken a consultation.

13. Changing the definition of sibling from someone attending the School "at the time of admission" to "at the time the application is processed and who is expected to still be in attendance at the time of entry to the school" is itself significant and required consultation. I uphold this part of the objection. As it stands, it is also contrary to paragraph 1.8 of the Code which states that "oversubscription criteria **must** be reasonable, clear, objective, procedurally fair ...", as there is no information available to applicants informing them when the application is to be processed. This was acknowledged by the Chair of Governors in an email on 15 March 2012 to the headteacher, the Diocese and the LA. She states that "at the time the application is processed" had been changed to "at the time of application". This would certainly render the change compliant with the Code, but as of 24 July 2012 both the version of the arrangements on the School's website and that on the LA's website remain unchanged.

14. The omission of St Patrick's Church, Charvil in criteria 3 and 4 for those who worship regularly in the parish was raised in the objection as a change requiring consultation. However, that church ceased to be used for public worship in 2011 and from that time St Andrew's became the only Anglican place of worship in the parish. As it is impossible to be a regular worshipper at St Patrick's any longer, I accept that this change cannot be regarded as anything other than making it compliant with paragraph 1.8 of the Code quoted above so it did not need to be subject to consultation and therefore I do not uphold this part of the objection.

15. There is a minor error in criteria 3 and 4 resulting from the removal of St Patrick's church. Simple editing needs to take place to remove "either" in order to take away any potential ambiguity. It could be confusing to read

“...where at least one parent has been a regular worshipper (at least twice per month) for a year prior to application at either St Andrew’s Church, and whose name is on the Church Electoral Roll ...”.

16. Criterion 3 already in the 2012 arrangements made provision for those who had recently moved into the parish but had been regular worshippers before their move. Adding a parallel provision to criterion 4, those living outside the parish who worship at Sonning, is logical but does constitute a change that requires consultation. Further, in the published arrangements the editing process did not pick up the omission of key words which leaves the wording as “in the case of a family who have recently, a child where at least one parent has been a regular worshipper ...” This is meaningless, and therefore without correction is contrary to the Code.

17. As the School did not, but should have consulted on the changes made on two of the three matters cited by the objector I have concluded I should partially uphold the objection that the School did not consult as required by the Code.

18. There are other matters that in my view do not comply with the Code. The arrangements contain a description of the way in which distance between home and school is measured that is more detailed than in previous years but continues to be that used by the LA. However the School’s arrangements do not go on to include a final tie-breaker and as such it is not compliant with paragraph 1.8 of the Code which reads

“Admission arrangements **must** include an effective, clear and fair tie-breaker to decide between two applicants that cannot otherwise be separated.”

This could be rectified by adopting the same tie-breaker, random allocation in such circumstances, as used by the LA.

19. The SIF. There are a number of references to the SIF in the published arrangements.

a. “A supplementary information form for Sonning School must also be completed if parents wish to apply under categories 3, 4 or 7 of the oversubscription criteria. Parents should return the Common Application Form to the home LA. Supplementary information forms should be returned to the school or LA. ... (Supplementary information forms are available from the school, Wokingham LA, or can be downloaded from either the school’s or Wokingham LA’s websites.)”

b. “Applications made on the home Local Authority’s Common Application Form, without submission of the supplementary information form and/or relevant supporting evidence described below will still be considered by the Governors Admissions Committee, but under the most relevant oversubscription criteria.”

- c. "A supplementary form must be submitted and signed by the priest or church leader confirming church commitment for applications under categories 3, 4 and 7."
20. There are a number of ways in which the versions of the SIF that I have seen do not comply with the Code.
- a. Regarding paragraph 19a. above, I found a SIF on the LA website that was undated, but was unable to find one on the School's website. The School sent me an undated SIF on 26 July 2012. Given that the SIF will be an integral part of the application process for many, it is important that access should be straightforward.
 - b. Neither the SIF nor the arrangements give a date by which the completed SIF should be submitted, as they should.
 - c. Although there is not a space for the applicant to sign, as there should be, Part 1 of the form asks for the "names of parents/carers" which is contrary to paragraph 2.4 of the Code which prohibits asking both parents to sign the form.
 - d. If the oversubscription criterion 4 is to be revised as the School is intending then the SIF will need to contain a statement relevant to their situation.

Conclusion

21. For the reasons given above I have concluded that the school should have consulted on its arrangements for admissions in September 2013. I am grateful to the headteacher for confirming that the consultation did not take place as required by the Code.

22. It is now for the Governors with assistance from the Diocese and the LA if necessary to decide what should be done at this stage in order to comply with the Code. Proper consultation is an essential part of the process and should not be allowed to be omitted.

23. Looking further ahead, according to paragraph 1.42 of the Code, if the School did not wish to make any further changes in the next six years there would be no requirement for any further consultation, even on these arrangements that had this year evaded the proper consultation process. So I believe that at the very least the governors would be wise to carry out a full consultation before determining the arrangements for 2014.

Determination

24. 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 Sonning Church of England Aided Primary School.

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88I (5) of the Act. I determine that they do not conform with the requirements relating to admission arrangements.

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Dated: 10 August 2012

Signed:

Schools Adjudicator: Dr Stephen Venner