



DETERMINATION

Case reference: ADA2913

Objector: The London Borough of Redbridge

Admission Authority: The Governing Body of SS Peter and Paul's Catholic Primary School, Redbridge

Date of decision: 20 November 2015

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 for SS Peter and Paul's, Redbridge.

I have also considered the arrangements in accordance with section 88I(5). I determine that they do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

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 within two months.

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 the London Borough of Redbridge (the objector) about the admission arrangements for September 2016 (the arrangements) for SS Peter and Paul's Catholic Primary School, Ilford (the school), a voluntary aided school for children aged 3 to 11.
2. The objection concerns the supplementary information forms used by the school and the information which the school includes when publishing its admission arrangements.

Jurisdiction

3. 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 the objection to these determined arrangements on 19 June 2015. 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.

4. I have also used my power under section 88(5) of the Act to consider the arrangements as 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:
 - a. the objector's form of objection dated 19 June 2015;
 - b. the school's response to the objection, its response to further enquiries and supporting documents;
 - c. the comments from the Diocese of Brentwood (the diocese) on the objection;
 - d. the comments from the Catholic Education Service (CES) on the objection
 - e. the LA's composite prospectus for parents seeking admission to schools in the area in September 2016;
 - f. confirmation of when consultation on the arrangements last took place;
 - g. copies of the minutes of the meeting of the governing body at which the arrangements were determined; and
 - h. a copy of the determined arrangements.

The Objection

7. The LA submitted an objection to the admission arrangements of six Catholic primary and three Catholic secondary schools on 19 June 2015. All of the schools were within the same LA area and were within the same diocese; however each school was its own admission authority.
8. The objector was asked to clarify the details of its objection to each individual school's arrangements. There were four parts to the objection to this school which the objector stated as:

"1. The admission authority failed to determine a priest's reference form that is in accordance with the requirements of the Code. The form used – which they say belongs to the Diocese and they have not determined – establishes parents' marital status by asking both parents to sign and provide their home addresses. It also asks parents to give the reasons they want a Catholic school. This is not included in the admission arrangements."

2. *The arrangements fail to say how the information gathered on the priest's reference form on other parish activities will be used in determining their Catholicity. This is not included in the admission arrangements.*
 3. *The guidance to priests on completing the form isn't considered part of the published admission arrangements and hasn't been made clear to parents. Again, the admission authority has failed to determine this and include it in the information published for parents.*
 4. *The SIF used requires that parents provide proof of residence which has already been provided to the Local Authority. This is an unnecessary requirement and duplication."*
9. The objector said that the arrangements did not comply with paragraphs 1.8, 1.9, 1.37 and 2.4 of the Code.

Other Matters

10. When I considered the arrangements as a whole there were several points where it appeared to me that they did not, or may not comply with requirements.
- a. The consultation on the arrangements may not comply with the requirements of paragraphs 1.42 to 1.45 of the Code.
 - b. The definition of and priority for looked after children and previously looked after children may not meet the requirements of paragraphs 1.7 and 1.37 of the Code.
 - c. The arrangements give priority for children of members of staff; it may not be clear which members of staff this applies to as set out in paragraph 1.39 of the Code.
 - d. The arrangements did not appear clear on the admission of children with statements of special educational needs or education, health and care plans which name the school and therefore would not comply with paragraph 14 of the Code.
 - e. The form used to support applications from members of other Christian faiths appears not to be consistent with the wording of criterion 6 quoted below and therefore would not comply with paragraph 1.37 of the Code.
 - f. The arrangements do not appear to include a tie-breaker as required by paragraph 1.8 of the Code and do not seem to have any information about the process for requesting admission out of the normal age group or about the waiting list. Paragraphs 2.17 and 2.14 of the Code require the arrangements to set these out.

Background

11. The school has a published admission number of 60 and is oversubscribed. Its oversubscription criteria are as follows
1. Looked after children and previously looked after children from Catholic families.
 2. Baptised practising Catholic children living in the parishes of SS Peter and Paul's Church and SS Mary and Erconwald's Church.
 3. Baptised practising children of a member of staff working at the school at the time of admission.
 4. Baptised practising Catholic children living in a parish other than those given in 2.
 5. Baptised Catholic children whose parents desire a Catholic education for their children.
 6. Other looked after and previously looked after children.
 7. Children of other faith member of staff who is employed at the school at the time of admission.
 8. Child of other practising Christian denominations, and whose application is supported by the appropriate Religious Leader.
 9. Child of non-Christian faiths at least one of whose parents regularly practice their faith and whose application is supported by an appropriate Faith Leader of Religion.
 10. Any other applications.
12. If there is oversubscription in any of the categories, siblings take precedence followed by those living closest to the school.

Consideration of Factors

13. The objection is set out in full above. In its comments on the objection the school said the forms were provided by the Diocese of Brentwood and it believed it was a matter for the diocese to comment on.
14. The diocese said "*the Priest's reference form and advice to priests, schools and parents are diocesan property, not the property of the Admissions Authority and therefore do not have to be Code-compliant.*" It also said it was in discussion with the CES and the Department for Education (DfE) about its documentation.
15. The diocese asked the CES to make comments on the objection on the diocese's behalf. The CES said that the Priest's Reference Form (PRF) is a diocesan document and did not belong to any school. The CES compared it to a baptism certificate or other document such as a letter from a doctor in support of admission on exceptional medical grounds which are not part of a school's admission arrangements but

are used to test whether an applicant meets an oversubscription criterion.

16. The school is a voluntary aided school and as such its governing body is the admission authority. Paragraph 5 of the Code says *“It is the responsibility of admission authorities to ensure that admission arrangements⁴ are compliant with this Code. Where a school is the admission authority, this responsibility falls to the governing body or Academy Trust.”* In footnote 4 to this paragraph the Code says *“Admission arrangements means 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 SIF and PRF are required to be completed if a parent wishes their child to be considered for a place under the faith-based criteria. They collect supplementary information, are devices used to determine whether a school place is offered and therefore I consider them to be part of the admission arrangements and as such the responsibility of the admission authority.
17. I do not consider the PRF to be equivalent to a doctor’s letter in support of an application on exceptional medical grounds as suggested by CES. This is because the PRF is required for all applicants applying for a place on the grounds of them being a Catholic and the test is common to all of them. If a school gives priority for admission on exceptional medical grounds any applications on those grounds are by definition exceptional and will be different to all other applications. A form would be unlikely to be suitable to provide the school with the information required so a letter would be a practical way an admission authority could determine if a child should be offered a place on those grounds. If an admission authority did give priority based on medical needs, it would need to comply with paragraph 1.16 of the Code and set out in their arrangements how they define this need and what supporting evidence will be required. So even if I accepted a comparison between the PRF and a doctor’s letter, the Code leaves the responsibility of definition and choice of evidence with the admissions authority.
18. I have also considered paragraph 1.38 of the Code which says *“Admission authorities for schools designated as having a religious character **must** have regard to any guidance from the body or person representing the religion or religious denomination when constructing faith- based admission arrangements, to the extent that the guidance complies with the mandatory provisions and guidelines of this Code.”* This paragraph allows for the possibility that guidance from the diocese may not comply with the Code and the responsibility for ensuring that arrangements do comply with the Code remains with the admission authority as set out in paragraph 5 of the Code quoted above.
19. In my view the Code is clear that while the governing body must have had regard to the diocese’s guidance, it is responsible for setting the test of religious practice and for any documentation used to provide

evidence that the test is met. Although the diocese was asked to provide me with the guidance it provides to schools it did not do so, the only documentation it sent to me was the PRF and its guidance to parents and priests. Based on the guidance available to it, the school is responsible for ensuring that the test and any forms used to collect evidence comply with the Code. These are part of the admission arrangements and must be determined annually by the governing body as set out in paragraph 1.46 of the Code and published by the school as required in paragraph 1.47.

20. Paragraph 2.4 of the Code sets out the requirements for supplementary forms used by an admission authority, I consider the PRF to be a supplementary form; paragraph 2.4 says *"In some cases, admission authorities will need to ask for supplementary information forms in order to process applications. If they do so, they **must** only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria or for the purpose of selection by aptitude or ability. They **must not** ask, or use supplementary forms that ask, for any of the information prohibited by paragraph 1.9 above or for:*

a) any personal details about parents and families, such as maiden names, criminal convictions, marital, or financial status (including marriage certificates);

b) the first language of parents or the child;

c) details about parents' or a child's disabilities, special educational needs or medical conditions;

d) parents to agree to support the ethos of the school in a practical way;

e) both parents to sign the form, or for the child to complete the form."

21. The oversubscription criteria are based on whether or not the child is a baptised Catholic and if they are practising, whether they are or have been looked after; where the child lives; if their parent works at the school and support from a religious leader. The child's looked after status and their address will be provided by the LA on the common application form (CAF) so any supplementary forms used by the school, which include the PRF, can only collect information required to make decisions about the other elements of the oversubscription criteria set out above.

22. The PRF is in two parts, the first is headed *"Your Self-Assessment"* and says it is *"confidential to you and the priest and will not be supplied to the school."* It asks for the name of both father and mother (there is a footnote saying this includes all persons who have a legal responsibility for the child), their parish of residence, whether they are Catholics, which church they normally attend and how frequently and how long that practice has been. There is space on the form for parents to

explain why they may not attend mass regularly and to provide any other relevant details. The form also says *“If the child lives at more than one address, please give both and give full details.”* The form then asks for the name and date of birth of the child, the date of baptism and first Holy Communion before saying *“If you or your child participate or contribute to parish activities, you may wish to indicate below”* and then asking *“Why do you wish your child to attend a Catholic school?”* At the end of this section space is provided for both parents to sign before it is given to the priest.

23. The second part of the form is headed *“Priest’s Reference”*. Parents are asked to fill in the name of the child, the name of the parents and the address of the normal family home. The priest is required to say whether the parents are known to him, whether the child is known to him and if having read the guidance to priests he considers the child to be a member of a practising Catholic family. This part of the form is sent by the priest to the school. The first part of the form is either retained by the priest or returned to the parents.
24. The first part of the form asks for personal details about parents and families from which information about the parents’ marital status could be inferred. It also asks for the signatures of both parents. These are expressly prohibited by paragraph 2.4 of the Code. The form collects information which is not required to make decisions about oversubscription criteria also prohibited by paragraph 2.4 of the Code.
25. The objector questioned whether the PRF complied with paragraphs 1.9a and 1.9i of the Code. These say that admission authorities ***“must not a) place any conditions on the consideration of any application other than those in the oversubscription criteria published in their admission arrangements ... i) prioritise children on the basis of their own or their parents’ past or current hobbies or activities (schools which have been designated as having a religious character may take account of religious activities, as laid out by the body or person representing the religion or religious denomination”***. I do not think the school does take into account any conditions other than its oversubscription criteria; the concern is with the information collected to decide if the oversubscription criteria are met and how it is used. This includes the reference in the PRF to parish activities. As the diocese provided the form it sanctions the consideration of parish activities, but it is not clear what activities qualify and if they form any part in deciding if a baptised child has a Catholic parent.
26. Paragraph 14 says *“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.”* Paragraph 1.8 says *“Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation.”* And paragraph 1.37 says *“Admission authorities **must** ensure that parents can easily understand*

how any faith-based criteria will be reasonably satisfied."

27. The oversubscription criteria refer to "*Baptised practising Catholic children*". This requires two facts to be established, is the child baptised and if they practise. It is clear whether a child is baptised or not and this is easily evidenced through the baptismal certificate. To meet the requirements of the Code quoted in the previous paragraph, arrangements must be clear and objective and so a parent **must** be able to easily understand how the child can be considered a practising Catholic.
28. In the arrangements it says "*The term 'Practising' in relation to the catholic [sic] faith refers to obligations laid down on Catholics by the Code of Canon Law, primarily that of the obligations to assist at Mass on all Sundays and Holy Days of obligation. Regularity will be determined from the Priest's reference.*" It was not stated how long this practice should have been sustained for although that question is asked on the PRF. The PRF itself is not available on the school's website as paragraph 1.47 of the Code requires it to be, it is however available through the LA's website.
29. The CES provided me with the uniform resource locator (URL) where guidance for parents and priests could be found on the diocese's website. I could not access these pages from the diocese's home page without using the search facility. The diocese's guidance for parents dated May 2014 explains how to complete the form but does not give any objective definition of what is required to be a practising Catholic and there is none on the PRF itself. The guidance for parents says that the decision about whether "*you are a practicing Catholic family*" will be based on "*your Mass attendance*". Parents may question why they are asked to provide other information and will not "*easily understand how any faith-based criteria will be reasonably satisfied.*"
30. The guidance for priests is marked "*For Admissions in September 2012*" and says the purpose of the PRF is "*to give all priests a framework in which they can essentially let Catholic schools know whether that applicant is from a practising Catholic family.*" It also says in the first annexe to the guidance "*It is for the priest to make the judgement whether a child comes from a practising Catholic family.*" There is further guidance in bold type "*for the purposes of this priest's reference form, a person is a practising Catholic if they observe the Church's precept of attending Mass on Sundays and holidays [sic] of obligation.*" The guidance goes on to say "*for numerous reasons, occasional non-attendance may not constitute a breach of the obligation; canon law provides for a range of particular circumstances which excuse or mitigate the obligation.*"
31. The priest's guidance also refers to the length of practice; it gives no specific period although it warns "*A person is certainly not to be regarded as a practising Catholic if that practice has started recently solely in order to fulfil the requirements of entry to a Catholic school.*" The guidance for priests does however clarify that for the family to be

regarded as practising just one parent is required to be a practising Catholic. It also gives scope for a priest to use their judgement if a grandparent or other relative supplements a lack of practice by the parents. It would appear that a priest may use a degree of judgement to declare a child to be a member of a practising Catholic family and parents have no way of understanding on what grounds this decision was reached.

32. The PRF leads to a declaration by the priest that the applicant is from a practising Catholic family, the school does not require this; the oversubscription criteria require that the applicant is baptised child and a practising Catholic. If for example, the practice of a grandparent was the basis for the family to be declared as practising, then the school's requirement would not be met.
33. I do not see how parents can, as required by paragraph 1.37 of the Code, easily understand from the arrangements how they will satisfy the requirement in the oversubscription criteria that the child is a practising Catholic. They will not know the frequency that they should attend mass or for how long they should have sustained that practice. They may also think that the other information sought on the PRF in some unspecified way influences the priest's decision on whether or not they are a practising Catholic.
34. The final part of the objection is that the SIF asks for proof of residence which has already been provided to the LA. Neither the school nor the diocese commented on this part of the objection. The copy of the SIF provided by the objector and that provided by the school are identical, neither asks for proof of residence so I do not uphold this part of the objection. The SIF however fails to meet requirements for other reasons.
35. The SIF asks for both parents' full name and religion. Paragraph 2.4 of the Code quoted above prohibits admission authorities asking for information on a SIF which is not required to make decisions about oversubscription criteria or for both parents to complete the form.
36. The purpose of the SIF is not clear to me as it does not collect any information required to make decisions about oversubscription criteria which is not included on the CAF.
37. I uphold all but the last part of the objection because the responsibility for any forms used in the school's admissions process sits with its admissions authority which is the governing body. All forms must be determined and published as required by paragraphs 1.46 and 1.47 of the Code and this was not done. The PRF and the SIF do not comply with paragraph 2.4 of the Code and ask for information beyond that required to make decisions about oversubscription criteria. Paragraph 14 of the Code requires arrangements to be clear and paragraph 1.8 says that oversubscription criteria must be objective. The arrangements contain no objective definition of practising Catholic leaving this to an individual priest's judgement. This means that parents

will not be able to easily understand how the faith based criteria will be satisfied as required by paragraph 1.37 of the Code.

Other Matters

Consultation

38. The admission arrangements for 2016 are different from those for 2015 most notably including new oversubscription criteria for children of people who work at the school. Such a change requires consultation undertaken in accordance with paragraphs 1.42 to 1.45 of the Code. In response to my enquiries the school provided me with evidence of its consultation.
39. Paragraph 1.43 says that for 2016 arrangements consultation must have been completed by 1 March 2015 and must have taken place for eight weeks. The school said it consulted from 9 February to 31 March 2015; this is seven weeks and outside the period stated in the Code.
40. Paragraph 1.44 of the Code sets out who must be consulted with. While the school provided me with evidence that it consulted some of the persons and bodies listed in that paragraph it provided no evidence that it consulted with “*parents of children between the ages of two and eighteen*” as required by the Code.
41. I noted that the minute of the governing body meeting which the school provided as evidence that the arrangements were determined as required by paragraph 1.46 of the Code were dated 9 February 2015, the starting date of the consultation. I could not accept this minute as evidence that the arrangements had been determined as it only refers to consultation. I have however seen an email to governors regarding the arrangements dated 23 March 2015 and the minute of the governing body meeting of 1 June 2015. With the headteacher’s assurance on the matter given in her letter of 7 October 2015 I am satisfied that the governors agreed the arrangements, but outside of the timescale set by the Code.

Looked after children and previously looked after children

42. The first oversubscription criterion is “*Looked after children and previously looked after children from Catholic families*”. The arrangements include a definition of looked after children however this is not sufficiently comprehensive. Paragraph 1.7 of the Code and its footnotes lists all children who are looked after or previously looked after and this definition should be used to comply with the Code.
43. 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. Admission authorities for schools designated with a religious character may give priority to all looked after children and previously looked after children whether or not of the faith, but they **must** give priority to looked after children and previously looked after*

*children of the faith before other children of the faith. 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."*

44. This paragraph of the Code refers to children of the faith, not children from families of the faith as in the oversubscription criterion. The diocesan guidance to parents states "*You are a Catholic if you have been baptised into the Catholic Church*". Being adopted or fostered by a Catholic family does not make the child a Catholic. Unless a looked after or previously looked after, child has been baptised, they cannot be given highest priority in this way.
45. I have also considered the position of a looked after or previously looked after, child who was a baptised Catholic, but was adopted or fostered by a non-Catholic family. Such a child, although of the faith, would not meet the first criterion as it is worded. The Code requires such a child to have highest priority. The school could give all looked after and previously looked after children highest priority, but if it chooses to restrict highest priority to those of the faith, it must do so in a way that is consistent with the Code.

Priority for children of members of staff

46. Two new oversubscription criteria were introduced for admission in 2016 for children of members of school staff, one for baptised Catholics and one for "*other faith member of staff*". Paragraph 1.39 allows admission authorities to "*give priority in their oversubscription criteria to children of staff in either or both of the following circumstances: a) where a member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made, and/or b) the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage.*"
47. The circumstances in which giving priority to children of members of staff is permitted are included in the arrangements as a note to the criterion for baptised Catholics, but not for "*other faith members of staff*", although this may be a typographical error, as it stands, this does not comply with the Code.

The admission of children with statements of special educational needs or education, health and care plans

48. Paragraph 1.6 of the Code says that any child whose statement of special educational need or education, health and care plan names the school must be admitted before oversubscription criteria are applied to other applicants. Paragraph 14 of the Code says arrangements must be clear, so this should be explained to parents in the arrangements. No reference is made to the admission of such children in the arrangements so they are not clear on this point and so do not comply with the Code.

The form used to support applications from members of other Christian faiths

49. The eighth oversubscription criterion is “*Child of other practising Christian denominations, and whose application is supported by the appropriate Religious Leader*” and the ninth is “*Child of non-Christian faiths at least one of whose parents regularly practice their faith and whose application is supported by an appropriate Faith Leader of Religion.*” The school provides a form which it requires is submitted in support of applications for priority against this criterion. The form asks the religious leader whether or not the family is known to him and whether or not they are a practising family, it also asks for proof of residence to be sent to the school.
50. I have quoted paragraphs 14, 1.8 and 1.37 of the Code above; arrangements are required to be clear and objective so parents can easily understand how they can meet the requirements of oversubscription criteria. Here the wording of the eighth criterion requires the denomination to be practising, not the child or family. It requires the application to be supported by a religious leader, support is not asked for on the form. The ninth criterion requires at least one parent to regularly practice their faith and for the faith leader to support the application. Again support for the application is not asked on the form and there is no specification of what constitutes regular practice, or for how long this should be sustained for.
51. Even if the form did ask the religious or faith leader if they supported the application, this would be a subjective judgement, there is no guidance on what the minister’s support should be based on. The Code requires arrangements to be objective; length and frequency of practice would be examples of objectivity, support from a minister on unspecified grounds is not.
52. In my view this criterion is neither clear nor objective. I do not see how a parent could easily understand how they could meet the requirement of this oversubscription criterion and it does not comply with the Code.
53. The form also asks for proof of residence. The LA’s composite prospectus confirms that proof of residence is asked for with the CAF by Redbridge. From websites I have ascertained that three out of the five adjoining local authorities also ask for proof of residence with their CAF. Paragraph 2.5 of the Code says “*Admission authorities may need to ask for proof of address where it is unclear whether a child meets the published oversubscription criteria.*” For the majority of applicants it will be clear whether or not they live in the geographical areas set out in the oversubscription criteria as the information will have been provided by the home local authority together with validation of the address. The school will only need to seek this information in a few, if any cases so in my view this should not be asked for with the reference form for other faiths, it is not required for Catholics or people of no faith and so could be considered discriminatory.

Tie-breaker and omissions from the arrangements

54. Paragraph 1.8 of the Code says “*Admission arrangements **must** include a clear effective tie-breaker to decide between two applications that cannot otherwise be separated.*” The arrangements say that those living closest to the school will take priority within each category. This does not allow for the possibility that two applicants may live the same distance from the school and so does not meet the requirements of the Code.
55. Paragraph 2.17 of the Code says “*Admission authorities **must** make clear in their arrangements the process for requesting admission outside of the normal age group.*” I could find no reference to admission of children outside of their age group in the arrangements.
56. Paragraph 2.14 of the Code requires admission authorities to keep a waiting list until at least 31 December of the admission year and state in their arrangements how this will operate. I could find no reference to a waiting list in the arrangements.

Conclusion

57. Responsibility for any forms used in the school’s admissions process sits with its admission authority which is the governing body. All forms must be determined and published as required by paragraphs 1.46 and 1.47 of the Code and this was not done. The PRF and the SIF do not comply with paragraph 2.4 of the Code and ask for information beyond that required to make decisions about oversubscription criteria. Paragraph 14 of the Code requires arrangements to be clear and paragraph 1.8 says that oversubscription criteria must be objective. The arrangements contain no objective definition of practising Catholic leaving this to an individual priest’s judgement. This means that parents will not be able easily to understand how the faith based criteria will be satisfied as required by paragraph 1.37 of the Code. On these grounds I uphold all but the last part of the objection.
58. After considering the arrangements as whole I have identified a number of other ways in which they do not confirm with the Code

Determination

59. 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 for SS Peter and Paul’s, Redbridge.
60. I have also considered the arrangements in accordance with section 88I(5). I determine that they do not conform with the requirements relating to admission arrangements in the ways set out in this determination.
61. 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 within two

months.

Dated: 20 November 2015

Signed:

Schools Adjudicator: Phil Whiffing