



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: VAR700

Admission Authority: The Governing Body of Altrincham Church of England Primary School, Trafford

Date of decision: 20 February 2017

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the school's governing body for Altrincham Church of England Primary School.

I determine that for admissions in September 2018 the arrangements will refer to only two parish churches; St George and St Margaret and all reference to St John the Evangelist shall be removed.

The referral

1. The governing body of Altrincham Church of England Primary School (the school) has referred a variation to the adjudicator about its admission arrangements (the arrangements) for September 2018. The school is a voluntary aided primary school for pupils aged 3 to 11 years in Trafford (the local authority).
2. The request is that all reference to St John the Evangelist parish and parish church should be removed from the arrangements and the supplementary information form.

Jurisdiction

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which states that:
 - a. *“where an admission authority (a) have in accordance with section 88C determined the admission arrangements which are to apply for a particular school year, but (b) at any time before*

the end of that year consider that the arrangements should be varied in view of a major change in circumstances occurring since they were so determined, the authority must [except in a case where the authority's proposed variations fall within any description of variations prescribed for the purposes of this section] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations”.

I am satisfied that the proposed variation is within my jurisdiction.

Procedure

4. In considering this matter, I have had regard to all relevant legislation and the School Admissions Code (the Code).
5. The documents I have considered in reaching my decision include:
 - a. the governing body's letter of referral of 30 January 2017;
 - b. the request for an in-year variation form dated 30 January 2017;
 - c. the determined arrangements for the school for admission in September 2017 and 2018;
 - d. minutes of the school's governing body meeting at which the arrangements for September 2018 were determined and at which the request for a variation was agreed;
 - e. a letter from the Diocese of Chester (the diocese) ;
 - f. a letter from the local authority; and
 - g. a copy of a letter sent to appropriate bodies by the governing body.

Background and consideration of factors

6. The school is a voluntary aided primary school for 3 to 11 year olds. The school has a Church of England religious designation and is within the Diocese of Chester. It is oversubscribed for admission into the reception year (YR). The governing body is the admission authority and therefore determines the arrangements for the school. After a period of consultation, the arrangements for admission in September 2018 were determined at a meeting of the Admissions Committee of the school's governing body on 25 January 2017. These arrangements were unchanged from those for admission in September 2017. The arrangements were then published on the school's website.
7. The determined arrangements have the following oversubscription criteria;
 - 1) Looked after children and previously looked after children.

- 2) Children with a sibling whose parents regularly worship at one of the three local parish churches.
 - 3) Children whose parents regularly worship at one of the three local parish churches.
 - 4) Children with siblings at the school.
 - 5) Children who live within the parish boundaries of one of the three parishes.
 - 6) Other children.
8. When more than one application for admission fulfils the same criterion, the priority for admission is determined by the shortest distance between the front door of the child's residence and the main entrance of the nearest parish church.
 9. The school's supplementary information form (SIF) requires the parish priest of one of the three local churches to sign to confirm regular attendance at the church ('regular' is defined in the arrangements as having attended at least two Sunday morning services a month for at least six months).
 10. At the meeting at which the arrangements for September 2018 were determined, the governors were informed that one of the three parish churches (St John the Evangelist) had closed on 17 January 2017. At the meeting, two priests explained the changes to the parishes. They provided details of the old distribution boundaries of the closed church and how the other two parishes (St George and St Margaret) had absorbed its catchment area.
 11. The governing body consider that this closure constitutes a major change in circumstances and has therefore applied for a variation to the arrangements for September 2018. The variation request removes any mention of the closed church and its boundaries and states that the distance measure will be from the child's home to one of the two open churches. Similar changes have been requested for the SIF.
 12. The governing body has informed all admission authorities and governing bodies in the local area and the local authority as required to do by paragraph 3.6 and 3.7 of the Code which state that; *"Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified. Where the local authority is the admission authority for a community or voluntary controlled school, it **must***

*consult the governing body of the school before make any reference. A variation to increase a school's PAN is not required to be referred to the Schools Adjudicator" and "Admission authorities **must** notify the appropriate bodies of all variations and must display a copy of the full varied admission arrangements on their website until they are replaced by different admission arrangements."* I am content that the governing body has complied with the Code in all respects. I have seen a copy of the document sent to the appropriate bodies and there is a copy displayed on the school's website.

13. In its response, the diocese states that it has been consulted on the proposed change and support it completely. It explained that the decision to close the parish and amend the boundaries was made after the final date for the consultation on the 2018 policy.
14. In its response, the local authority explained that the oversubscription criteria previously applied by the school used the distance from a child's home to one of the three local churches with each application calculated to the relevant parish church. The local authority understands that the possible closure of one of the churches was a matter of uncertainty until very recently and, given this, the governing body was unable to make changes to the arrangements without disadvantaging families living in that parish in the event that the closure did not go ahead. The subsequent closure of the church did not allow the governing body the opportunity to consult with relevant groups and, as a result, the arrangements were determined unchanged. The local authority says that the governing body has now requested a variation to the arrangements so that all parties can be aware of the change in an open and transparent manner. The local authority have no objection to the change.
15. In my view, the governing body has acted entirely appropriately in this matter. Although the governors were aware that one of the churches might be closed, it was by no means certain and therefore the governors determined the arrangements for September 21018 to include all three churches. When the closure was confirmed, it was important, that reference to the closed church and its boundaries be removed from the arrangements in order to make the arrangements clear to parents. I therefore agree the variation request.

Conclusion

16. I agree with the governing body that the closure of one of the three local parish churches constitutes a major change in circumstances. I conclude that the variation, which the governing body has requested, is necessary in order to clarify for parents how places at the school will be allocated in September 2018. For the arrangements for admission in September 2018 all references to the closed church (St John the Evangelist) and its parish shall be removed.

Determination

17. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the school's governing body for Altrincham Church of England Primary School.

18. I determine that for admissions in September 2018 the arrangements and the supplementary information form will refer to only two parish churches; St George and St Margaret and all reference to St John the Evangelist shall be removed.

Dated: 20 February 2017

Signed:

Schools Adjudicator: Mrs Ann Talboys