



DETERMINATION

Case reference: VAR782

Admission Authority: The governing board of St Alban's Catholic Primary School, Birmingham

Date of decision: 18 October 2018

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the Governing Board of St Alban's Catholic Primary School, Birmingham for September 2019.

I determine that for admissions in September 2019 the arrangements may include an oversubscription criterion giving priority to Catholic children of staff working at the school.

The referral

1. The governing board of St Alban's Catholic Primary School, Birmingham (the governing board) has referred a proposed variation to the admission arrangements for St Alban's Catholic Primary School (the school), for September 2019 to the Office of the Schools Adjudicator. The school is a voluntary aided school for children aged 3 -11 in Birmingham. The local authority for the area is Birmingham City Council (the LA) and the school is part of the Roman Catholic Arch Diocese of Birmingham (the diocese).
2. The proposed variation is to introduce a new oversubscription criterion that gives priority to children of members of the school staff.

Jurisdiction

3. The referral was made in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which states that:

"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”.

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

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 governing board’s referral dated 6 June 2018 and supporting documents;
 - b. the determined arrangements for 2019 agreed on 26 March 2018 and the proposed variation to those arrangements;
 - c. a copy of the local authority’s booklet for parents seeking admission to schools in the area in September 2019;
 - d. comments on the proposal from the local authority;
 - e. comments on the proposal from the diocese; and
 - f. a copy of the notification informing the appropriate bodies about the proposed variation.

The proposed variation

7. The current admission arrangements are as follows:
 1. *Baptised Catholic children who are looked after or previously looked after.*
 2. *Baptised Catholic children living in the parish of St. Dunstan’s who have a brother or sister attending St. Alban’s Catholic Primary School at the time of admission.*
 3. *Baptised Catholic children living in the parish of St. Dunstan’s.*
 4. *Other Baptised Catholic children who have a brother or sister (attending St. Alban’s Catholic Primary School at the time of admission.*
 5. *Other Baptised Catholic children.*
 6. *Non-Catholic children who are looked after or previously looked after.*
 7. *Non-Catholic children who have a brother or sister attending St. Alban’s Catholic Primary School at the time of admission.*
 8. *Non-Catholic children.*

8. The proposed variation is that a new oversubscription criterion giving priority to Catholic children of staff will be introduced as criterion five in the admission arrangements. This will be accompanied by a note clarifying that this criterion applies to children of staff who have worked at the school for two years at the time of the application for a place or for staff who are recruited where there is a demonstrable skill shortage.

Consideration of the case

9. The governing board reports that it is experiencing difficulties retaining its leadership team and teachers. The governing board explains that staff are finding it hard to find schools in their local area with adequate before and after school provision. The school can meet these needs for its staff if their children can gain a place at the school. With the additional oversubscription criterion, there is an opportunity for staff with a child of the appropriate age to gain a place at the school.
10. The numbers of children involved are likely to be small and the governing board thinks that the number of children of staff who will gain a place as a result of this criterion may be at most one or two a year. Their argument is that it is the potential for the admission of staff children that is important to help recruit and retain good staff at the school.
11. The Code says in paragraph 1.39 that *“admission authorities may give priority in their oversubscription criteria to children of staff in either or both of the following circumstances:*
 - a. *where the 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.”*
12. The Code in paragraph 3.6 permits an admission authority to *“propose a variation where it considers such a change to be necessary in view of a major change in circumstances.... and appropriate bodies must be notified.”* The governing board has explained that the change in circumstance is the increasing number of Catholic applicants that may mean that the Catholic children of staff may not obtain a place at the school. Following correspondence with the school I am now satisfied that the governing board has notified the appropriate bodies of its request for a variation to be made to its arrangements.
13. The diocese supports the proposal and points out that the other Catholic schools in the area have a similar provision for staff in their admission arrangements. By not including such a provision in its arrangements, it believes that the school is putting itself at a disadvantage in terms of recruitment of staff.
14. The local authority commented that the proposal might reduce the opportunity for local children to attend the school. The diocese responded to this point by saying that the majority of the children who attended the school were Catholic and lived in the local parish. As a school with a Catholic religious character, priority was given

to other Catholic children who may live outside the local area before places were offered to children living in the local parish who were not Catholic. In this respect therefore, the Catholic children of staff already had priority in the admission arrangements over local children who were not Catholic. The purpose of the proposed variation was to give Catholic children of staff some priority over other Catholic children so that staff could be more certain that their child could gain a place at the school with priority over other Catholic children who did not live in the local parish. In the past, Catholic children of staff could gain a place under the existing criteria but the number of Catholic applicants had increased and there was now less certainty that all the Catholic applicants would gain a place.

15. The precise wording of the proposed variation was agreed by the governing board with advice from the diocese and I am satisfied that it complies with the requirements of the Code quoted above. I am also satisfied that the proposal will not disadvantage local children applying for places because the small number of places that may be allocated to children of staff will not have priority over Catholic children who live in the local parishes. I therefore approve this proposed variation for the 2019 admission arrangements.

Summary

16. The governing board, which is the admission authority for the school, has proposed a variation to give priority for Catholic children of staff over other Catholic children who do not live in the local parish. Its reason for the proposal is to assist with the recruitment and retention of staff at the school. I am satisfied that the governing board has notified the appropriate bodies and that the proposed variation complies with the requirements of the Code. I therefore approve the proposed variation to the 2019 admission arrangements.

Determination

17. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the Governing Board of St Alban's Roman Catholic Primary School, Birmingham for September 2019.
18. I determine that for admissions in September 2019 the arrangements may include an oversubscription criterion giving priority to Catholic children of staff working at the school.

Dated: 18 October 2018

Signed:

Schools Adjudicator: David Lennard Jones