



Office of  
the Schools  
Adjudicator

## Determination – Variation

**Case reference: VAR851 St George Catholic VA College**

**Admission authority: The governing board of St George Catholic VA College, Southampton**

**Date of decision: 23 May 2019**

### Determination

**In accordance with section 88E of the School Standards and Framework Act 1998, I approve with modification the proposed variation to the admission arrangements determined by the governing board for St George Catholic College, Southampton for September 2020.**

**I determine that some priority order will be put in place in the event of oversubscription within the Baptised Catholic Children oversubscription criterion (criterion two).**

**I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements for admission arrangements in the way set out in this determination. This non-compliance has now been rectified by the school.**

### The referral

1. The chair of the governing board of St George Catholic VA College, Southampton has referred a proposal for a variation to the admission arrangements for the school, for September 2020 to the Office of the Schools Adjudicator. The school is a voluntary aided Roman Catholic school for children aged 11 to 16 in Southampton. The school is in the local authority area of Southampton City Council and is in the Roman Catholic Diocese of Portsmouth.

2. The proposed variation requested that within each oversubscription criterion there should be provision made for oversubscription so that if a particular criterion is oversubscribed then priority should be given to siblings of pupils attending the school followed by pupils attending the named feeder primary schools and then by distance from home to school.

## 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:

*“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.

5. I am also satisfied that it is within my jurisdiction to consider the determined arrangements in accordance with my power under section 88I of the Act as they have come to my attention and determine whether or not they conform with the requirements relating to admissions and if not in what ways they do not so conform.

## Procedure

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

7. The documents I have considered in reaching my decision include:

- the referral form from the chair of the governing board dated 25 March 2019 and supporting documents;
- the determined arrangements for 2020 and the proposed variation to those arrangements;
- a copy of the local authority’s booklet for parents seeking admission to schools in the area in September 2019;
- a copy of the letter notifying the appropriate bodies about the proposed variation;
- comments on the variation request from the Roman Diocese of Portsmouth; and
- comments on the variation from the local authority.

## Other matters

8. In reviewing the arrangements, I noted one element of the arrangements which appeared not to conform with the requirements relating to admissions and brought this to

the attention of the school. This element concerned the completion of the Supplementary Information Form (SIF).

## Consideration of the case

9. The school is a voluntary aided, Roman Catholic school for 11 to 16 year olds. It has a published admission number (PAN) of 180 for admission into year 7 (Y7). The school was undersubscribed for many years before 2017. Since that time, the school has become increasingly oversubscribed and for admission in 2019 there were over 500 applications.

10. The oversubscription criteria for a number of years up to and including September 2019 can be summarised as follows;

- 1) Catholic looked after and previously looked after children
- 2) Baptised Catholic children
- 3) Other looked after and previously looked after children
- 4) Pupils attending a named feeder school
- 5) Children of other Christian denominations
- 6) Children of other faiths
- 7) All other pupils.

In the case of oversubscription within any of the criteria, the priority will be given to siblings followed by a child attending a named feeder school and then distance between home and school.

11. In the autumn term 2018, the governing board proposed alterations to the arrangements such that siblings of current pupils and children of members of staff would be given some priority in the arrangements. Following appropriate consultation the arrangements for admission in 2020 were determined as follows;

- 1) Catholic looked after and previously looked after children
- 2) Baptised Catholic children
- 3) Other looked after and previously looked after children
- 4) Siblings of children attending the school
- 5) Pupils attending a named feeder school
- 6) Children of staff at the school

7) Children of other Christian denominations

8) Children of other faiths

9) All other pupils

In the case of oversubscription within any of the criteria, the priority will be given to children living nearer to the school.

12. The school believed at the time that this would provide the priority for siblings which the school is keen to promote. After National Offer Day in March 2019, the school became aware of 36 siblings who were not offered a place and the school sought a variation which would address this issue.

Admissions for 2019 are as follows; three pupils with Education, health care plans were allocated places, leaving 177 places to be allocated on the basis of the determined admission arrangements;

<b>CRITERION</b>	<b>Total Number Admitted  (Unsuccessful applications in brackets – not all first preference)</b>	<b>Siblings under each criterion</b>	<b>Feeder under each criterion</b>	<b>Distance under each criterion</b>
1. Catholic LAC/PLAC	1			
2. Baptised Catholics	173	35	82	56
3. Other LAC/PLAC	2			
4. Feeder	1  (65)	1  (14)		
5. Other denominations	(77)	(3)		
6. Other faiths	(36)	(7)		
7. Others	(217)	(12)		

13. The school sought a variation which would add three sub criteria to each of the oversubscription criteria (sibling, feeder and distance).

14. It is clear from the admissions in 2019 that the majority of siblings in categories four to seven would have been unsuccessful even if the 2020 arrangements were in place with sibling priority at number four. This is because the school only had three places left to allocate once places had been given to children with EHC plans and to all Catholics. Therefore, the suggested variation would not achieve the school's wish to admit these siblings.

15. In addition, it would be unnecessary and confusing to place a sub category of sibling in a sibling criterion as suggested in the variation proposal.

16. In correspondence with the school it is clear that there is concern that in 2020 and subsequent years the PAN may be reached and exceeded by applicants falling within criterion two – baptised Catholics. If this were the case then the school would like to prioritise baptised catholic siblings in that criterion and then those baptised Catholics attending named feeder schools followed by baptised Catholics ranked according to a distance measurement. This is a sensible variation to the 2020 arrangements as it would prioritise baptised Catholic siblings in criterion two if it were oversubscribed. The amended arrangements for 2020 following this variation are as follows;

- 1) *Baptised Catholic looked after and previously looked after children*
- 2) *Baptised Catholic children. If applications in this category exceed places, priority will be given in the following order; siblings, attending a named feeder school, distance.*
- 3) *Looked after and previously looked after children*
- 4) *Children who have sibling(s) at St George at the time of entry*
- 5) *All other children who attend a named Catholic feeder school*
- 6) *Children of staff at St George*
- 7) *Children of other denominations*
- 8) *Children of other faiths*
- 9) *All other children who do not fall within the above categories*

*When applications within categories 3 to 9 exceed the places available and it is necessary to decide between applications, the distance from home to St George will be used to determine the order of priority.*

Suitable definitions and notes are contained within the arrangements.

17. This variation will prioritise siblings if criterion two is oversubscribed. Following correspondence with the school this has been agreed as the most suitable variation.

## Other matters

18. The arrangements currently read *'All applicants to St George should complete a SIF....'*. Paragraph 2.4 of the Code states that *"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"*. It is clear that oversubscription criteria three and nine do not require additional information and therefore applications for these categories cannot be required to complete a SIF in order to be considered for a place at the school. Following correspondence with the school, the governing board has now amended the arrangements to conform with the Code.

## Summary

19. In order to provide some priority for siblings when the school is oversubscribed with baptised Catholic children I have agreed to a variation as described above.

## Determination

20. In accordance with section 88E of the School Standards and Framework Act 1998, I approve with modification the proposed variation to the admission arrangements determined by the governing board for St George Catholic College, Southampton for September 2020.

21. I determine that some priority order will be put in place in the event of oversubscription within the Baptised Catholic Children oversubscription criterion (criterion 2).

22. I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements for admission arrangements in the ways set out in this determination. This non-compliance has now been rectified by the school.

Dated: 23 May 2019

Signed:

Schools Adjudicator: Ann Talboys