



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** ADA3572 St Bede's, ADA3573 Holy Family, ADA3574 St Augustine's Roman Catholic Primary Schools, Darlington.

**Objector:** Darlington Borough Council

**Admission authority:** Directors of Carmel Education Trust

**Date of decision:** 25 July 2019

## Determination

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2020 determined by the Directors of Carmel Education Trust for St Bede's, Holy Family and St Augustine's Roman Catholic Primary Schools, Darlington.**

## 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 Darlington Borough Council (the local authority), (the objector), about the admission arrangements (the arrangements) for St Bede's, Holy Family and St Augustine's Roman Catholic Primary Schools (the schools). The three schools are Roman Catholic Primary Academies which are part of the Carmel Education Trust. St Bede's school caters for 3 to 11 year olds and St Augustine's and Holy Family cater for 4 to 11 year olds. The objection relates to the admission arrangements for September 2020. The objection is to the inclusion of Catechumens in the oversubscription criteria.
2. The local authority (LA) for the area in which the school is located is Darlington Borough Council. This is the objector and is a party to this objection. Other parties to the objection are Carmel Education Trust, the three schools and the Roman Catholic Diocese of Hexham and Newcastle (the diocese).

## Jurisdiction

3. The terms of the academy agreement between the academy trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the academy trust, which is the admission authority for the school, on that basis. The objector submitted her objection to these determined arrangements on 15 May 2019. 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

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. a copy of the minutes of the meeting of the Directors of the Trust at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 15 May 2019;
- d. the individual schools' responses to the objection;
- e. the diocese's response to the objection; and
- f. a copy of the guidance on admissions provided by the diocese.

## The Objection

6. The local authority believes that the arrangements are contrary to paragraph 1.8 of the Code because they are not clear to parents. Paragraph 1.8 states that *"Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair and comply with all relevant legislation including equalities legislation."* The objector says that oversubscription criterion 5 applies to the normal point of entry to the school (Reception) (YR) and refers to 'Catechumens' but it argues that the diocese says that a child can only be registered and certified a Catechumenate at the age of seven. The objector goes on to say that seven years old is considered by the catholic church as the age of reason and discretion and therefore when a child can go through the journey of faith themselves independently from their parents; it says this is also what is provided for in Canon Law. The objector goes on to suggest that this criterion therefore only refers to over-subscription priorities used for older children during in-year admissions. The objector believes that this should be made clear in the arrangements.

## Background

7. The three schools are Roman Catholic Primary Schools in Darlington and are all members of the Carmel Education Trust. The Directors of this Trust are the Admission Authority for the schools and at their meeting on 21 November 2018 they determined the admission arrangements for the three schools for admission in September 2020.

8. St Augustine's and Holy Family schools each have a published admission number (PAN) of 30 and St Bede's has a PAN of 45. The admission arrangements are the same for the three schools and the oversubscription criteria can be summarised as follows;

- 1) Catholic looked after and previously looked after children
- 2) Catholic children who are resident in the parish
- 3) Other Catholic children
- 4) Other looked after or previously looked after children
- 5) Catechumens and members of the Eastern Christian Church
- 6) Children of other Christian denominations whose membership is evidenced by a minister or faith leader
- 7) Children of other faiths whose membership is evidenced by a minister or faith leader
- 8) Any other children.

## Consideration of Case

9. The admission arrangements define a Catholic as *“a member of the Church in full communion with the See of Rome. This will normally be evidenced by a certificate of baptism in a Catholic Church or a certificate of reception into the full communion of the Catholic Church. For a child to be treated as Catholic, evidence of Catholic baptism or reception into the Church will be required.”*

10. The notes in the admission arrangements go on to define Catechumens. *“Catechumen means a member of the catechumenate of a catholic church. For the purposes of admissions, this refers to the child on whose behalf the application is made. This will normally be evidenced by a certificate of reception into the order of Catechumens.”*

11. The responses to the objection from all three schools and the diocese were the same. They all explained that although a Catechumen is normally over seven years old (in the Church's tradition a child is presumed to reach the age of discretion at the age of seven), it is possible that an application could be received from a Catechumen who was younger than that age. The responses make the point that entry to the Catechumenate is the decision of a particular priest who may determine that the child has reached the age of

discretion before he or she reaches the age of seven and a certificate of reception onto the Order of Catechumens will be issued. The schools and the diocese make the point that the decision to allow entry to the Catechumenate is at the discretion of the priest and not the admission authority therefore applicants who apply as a Catechumen and provide the certificate of reception will be given priority at criterion five of the oversubscription criteria.

12. The comprehensive diocesan guidance on admissions to Catholic schools defines Catechumens as *“persons who wish to be baptised and have been accepted into the Order of Catechumens by the appropriate liturgical rite”*. The guidance instructs admission authorities to make explicit provision in the arrangements for Catechumens as they are a particular category of person whom the church regards as having a particular and special status.

13. The objector refers to the diocesan guidance and suggests that the diocese claims that a child cannot be a Catechumen until they are seven years old. I have read the diocesan guidance and reference to children under seven is made only in the context of guidance for clergy on the Certificate of Catholic Practice (CCP). This says that *“it is not permissible to attempt to measure the practice of a child below the age of seven”*. It is clear in the guidance that this is referring only to the principles and practices required to achieve a CCP and not to the admission into the Catechumenate. None of the three schools has the CCP in its admission arrangements; baptism certificates or certificate of reception are the requirements in the arrangements to justify that the child is a Catholic and therefore this element of the guidance does not apply to the schools.

14. The diocese is very clear that even though normally a child will be over seven before he or she is received into the Catechumen, it is possible that the priest considers that the child has reached the age of discretion before this age and issues the certificate of reception onto the Order of Catechumens. I therefore consider it compliant for this to be in the list of priorities within the oversubscription criteria for these schools. I make one further important point for the avoidance of doubt. The schools all give priority to all Catholics above looked after and previously looked after children who are not Catholic. They are permitted to take this approach by virtue of paragraph 1.37 of the Code. A child who is a member of the catechumenate is not (yet) a Catholic and so cannot have a higher priority for a place than a looked after or previously looked after child who is not a Catholic. The arrangements respect this distinction fully and the priority for members of the catechumenate appears after looked after and previously looked after children not of the faith.

## Summary of Findings

15. I conclude that the inclusion of Catechumens in the oversubscription criteria is compliant as there may be applicants who fall into this category who are applying for a place in YR. It follows the criterion for looked after and previously looked after children as required by the Code and it is in line with the diocesan guidance. The oversubscription criteria are also used for in-year admissions and this criterion may also be utilised at that point.

## Determination

16. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2020 determined by the Directors of Carmel Education Trust for St Bede's, Holy Family and St Augustine's Roman Catholic Primary Schools, Darlington.

Dated: 25 July 2019

Signed:

Schools Adjudicator: Ann Talboys