



Office of
the Schools
Adjudicator

Determination

Case reference: ADA3750

Objector: A parent

Admission authority: Richard Challoner School for Richard Challoner School, Kingston upon Thames

Date of decision: 19 March 2021

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2022 determined by Richard Challoner School for Richard Challoner School, Kingston upon Thames.

I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which 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 of the date of this determination.

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 a parent, (the objector), about the admission arrangements for September 2022 (the arrangements) for Richard Challoner School (the school), an academy school for boys aged 11 to 18. The school's religious character is Roman Catholic. The objection concerns the priority for admission given to boys attending one of seven feeder schools and what is described as the reservation of places for boys who are not Catholics.

2. The local authority for the area in which the school is located is Kingston upon Thames. The objector, the school and the local authority are parties to this objection as is

the Archdiocese of Southwark (the archdiocese) which is the religious authority for the school.

Jurisdiction

3. The terms of the academy agreement between the academy trust (which has the same name as the school) 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 on 24 September 2020 by the governing board on behalf of the academy trust, which is the admission authority for the school, on that basis. The objector submitted his objection to these determined arrangements on 6 January 2021. The objector has asked to have his identity kept from the other parties and has met the requirement of regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (the Regulations) by providing details of his name and address to me. 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. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

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 objector's form of objection dated 6 January 2021, supporting documents and subsequent correspondence;
 - b. a copy of the minutes of the meeting of the governing board at which the arrangements were determined;
 - c. a copy of the determined arrangements including the supplementary information forms (SIFs);
 - d. the school's comments on the objection and the other matters which I raised;
 - e. comments from the local authority on the objection and the other matters;
 - f. comments from the archdiocese on the objection and the other matters;
 - g. guidance published by the archdiocese about school admissions on its website;
 - h. data taken from the Department for Education (DfE) website; and
 - i. a map showing the location of the school and other relevant schools.

I have also taken account of information received during and after a telephone conversation with representatives of the school, the local authority and the archdiocese which I convened

on 12 February 2021. The objector chose not to take part in that conversation so that he could remain unknown to the other parties.

The Objection

6. There are two parts to the objection. The first is that giving priority to boys attending a feeder school disadvantages boys for whom English is an additional language and those in receipt of free school meals. The objector referred to paragraph 1.8 of the School Admissions Code (the Code) which requires that:

“Admission authorities must ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs ...”.

7. The second part of the objection is that the giving of priority for 12 places to other Christians under the fourth oversubscription criterion may not conform with paragraph 1.36 of the Code which states that:

“As with other maintained schools, these schools [schools designated with a religious character] are required to offer every child who applies, whether of the faith, another faith or no faith, a place at the school if there are places available. Schools designated by the Secretary of State as having a religious character (commonly known as faith schools) may use faith-based oversubscription criteria and allocate places by reference to faith where the school is oversubscribed.”

The objector said this practice was not approved by the archdiocese and effectively gives Christians who are not Catholic and not looked after a higher priority than looked after children who are not Catholic.

Other Matters

8. When I considered the arrangements as a whole, it appeared to me that there were a number of other ways in which they did not, or may not, conform with the requirements for admission arrangements. These are set out below.

- a) Paragraph 1.8 of the Code requires that oversubscription criteria are clear. The oversubscription criteria did not appear to be clear concerning the inclusion of previously looked after children in the first criterion.
- b) The definition of Catholic Applicants may not be fair or clear; paragraph 14 of the Code requires that admission arrangements are clear and fair.
- c) The fourth oversubscription criterion did not appear to explain how membership of other Christian denominations would be demonstrated if infant baptism is not practised. This may not conform with paragraph 1.37 of the Code.
- d) The fifth oversubscription criterion did not appear to explain how membership of other faiths would be demonstrated or what constitutes another faith. This may not conform with paragraph 1.37 of the Code.

- e) There was no indication in the arrangements of how long the child's religious practice should have been sustained for to meet the faith-based criteria. This may not conform with paragraph 1.37 of the Code.
- f) It was not clear in the arrangements about how boys who are not practising members of a faith will be prioritised against each other. Paragraph 1.8 of the Code requires that there is a tie-breaker for all possible cases.
- g) The measurement of distance set out in the arrangements did not appear to meet the requirements of paragraph 1.13 of the Code.
- h) The statement in the arrangements about children with Education, Health and Care Plans (EHCPs) appeared to be unclear. Paragraph 14 of the Code requires that arrangements are clear.
- i) The requirements for waiting lists are set out in paragraph 2.14 of the Code; these did not appear to be met in the arrangements.
- j) Paragraph 2.17 of the Code requires admission authorities to "make clear in their admission arrangements the process for requesting admission out of the normal age group." This requirement did not appear to have been met.
- k) The arrangements did not appear to be clear about when a SIF is required and why two SIFs are necessary.
- l) The SIFs appeared to include questions which did not conform with the requirements of paragraph 2.4 of the Code.

Background

9. The school is situated in New Malden. According to the DfE database called "Get Information About Schools" (GIAS) there are 19 other state-funded secondary schools within a three-mile radius of the school. Of these five are girls' schools including two Catholic schools and one selective school. Six are boys' schools, one of which is Catholic and one selective leaving eight mixed, non-denominational, comprehensive schools.

10. Within the same radius of the objector's postcode, there are 16 state-funded secondary schools. Four of these are girls' schools including two Catholic schools, six are boys' schools including two Catholic schools and one selective school leaving six mixed, non-denominational, comprehensive schools. With nine schools on both lists, the area is served by a broad range of schools of different types for boys and girls although there are no state funded secondary schools with a religious character other than Catholic in the area.

11. The school has a published admission number (PAN) of 150. There are six oversubscription criteria which can be summarised as:

1. Looked after and previously looked after children who are baptised Catholics
2. Baptised Catholics
3. Other looked after and previously looked after children

4. Members of other Christian denominations
5. Members of other faiths
6. Other applicants.

12. The arrangements then set out two “tie breakers” to be applied in the given order. The first, quoted in full, is:

“The strength of evidence of commitment to the applicant’s faith, where appropriate, as demonstrated by the child’s level of Mass attendance on a Sunday or equivalent (for Catholic applicants), or level of attendance at religious services (for applicants of other faiths). Applicants will be ranked according to the evidence provided on Supplementary Form ‘B’ (available from the school), which must be endorsed by the priest, or minister of religion, where the child normally worships. Applicants who worship weekly will have priority, followed by those who practise fortnightly, and so on.”

The second begins: “Within each level of attendance (ie weekly, fortnightly, etc) the following tie breakers will apply” and lists six further criteria labelled A to F. These can be summarised as follows:

- A) Siblings of pupils on roll at the time of admission
- B) Sons of members of staff
- C) Boys attending one of seven feeder schools with priority going to boys living in the Kingston or Sutton deaneries
- D) Boys not attending one of the feeder schools
- E) Distance from the school
- F) Random allocation.

13. The arrangements say that places will be offered using these criteria “subject to 12 places being offered to applicants who qualify under criterion 2 and fall within oversubscription criterion 2D (non feeder school applicants) and 12 places being offered to applicants who qualify under criterion 4.”

14. It is fair to say that the arrangements are fairly complex. That is not in any sense a judgement on them but it is the case that they need to be studied quite carefully to understand exactly what they provide. As I shall note later, it is relevant to this case that they do not operate to give a similarly high level of priority to all who have attended a feeder school. For example, those who attend Mass weekly but do not attend a feeder school have a higher level of priority than those who attend a feeder school but go to Mass only fortnightly.

Consideration of Case

Feeder Schools

15. The objector said that “The use of Feeder Schools is, of course, allowed under the Code but the effect of this filter is to disadvantage boys for whom English is an Additional Language and those in receipt of Free School Meals.” He quoted data taken from GIAS that 30.5 per cent of girls at a nearby Catholic girls’ school have English as a second language (EAL) compared to 18.5 per cent of boys at the school. He attributed this difference to the use of feeder schools in these oversubscription criteria but not in the oversubscription criteria for the girls’ school. He also quoted the level of EAL in two other Catholic schools, which are among those I have identified as being within three miles of the school, as 24.9 per cent and 28.3 per cent. The objector calculated that if the school took the same proportion of children with EAL as the other Catholic schools in the area another 15 boys with EAL would be offered places.

16. The objector also compared the proportion of children eligible for free school meals (FSM) in these four schools, saying that it was 9.3 per cent at the school compared to “about 18%” at the other three schools which draw their intake from the same community in the same part of south west London. He considered this reduced the number of boys eligible for FSM at the school by “nearly 15”.

17. In response to this part of the objection, the school said:

“As outlined by [the local authority representative] and [the representative of the archdiocese], the practice of including feeder schools is clearly permitted in paragraph 1.15 of the Code. The feeder schools in question are the closest Catholic primary schools to Richard Challoner School and draw on students in the locality without discrimination or prejudice. The comparison given to the other schools listed is in our view irrelevant and we can see no justification for removing or amending this part of the admissions arrangements, which is supported by the Local Authority and the Archdiocese.”

18. The school did not challenge the objector’s data or provide any arguments to justify the use of feeder schools beyond saying that it is permitted to do so and that these are the closest Catholic primary schools. Paragraph 1.15 of the Code says:

“Admission authorities may wish to name a primary or middle school as a feeder school. The selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds.”

19. The local authority did provide further information. It explained that the seven feeder schools are the closest Catholic primary schools. Four of them, those in Kingston upon Thames, have been feeder schools since 2008, others in neighbouring local authority areas were added between then and 2010 because there were no Catholic secondary schools in their respective local authority areas, and in one case, because it was nearer to the school than an existing feeder school.

20. The local authority also provided further EAL and FSM data taken from the DfE pupil characteristics data of June 2020, a publicly available data source which offers more recent data than that used by the objector. It provided data for the schools cited to by the objector and wider contextual data.

	EAL %	FSM %
Richard Challoner	18.7	6.1
Holy Cross (Girls)	31.7	7.1
Ursuline High (Girls)	22.9	10.0
Wimbledon College (Boys)	34.3	8.8
Local Authority	30.7	8.4
London	40.7	19.0
England	17.1	15.9

21. The local authority explained the lower figures for the school by comparison to the other schools cited by the objector by reference to the school's location "where the population density is lower and comparatively less ethnically diverse than that of the other three schools." It also argued that the location of boys' and girls' schools in relation to each other affected patterns of admission making comparison difficult. It was of the view that the school was "arguably the most inclusive secondary school within Kingston Borough in terms of its approach to children and young people with special educational needs and disabilities" and, if the feeder school criterion was removed, "once again, Catholic boys attending Catholic primaries in Kingston Borough for whom Richard Challoner is the closest Catholic secondary school (either single or mixed sex) would not be offered places at the school or any other Catholic secondary school."

22. The archdiocese wrote in support of the local authority's view. I note that being considered inclusive for children with special educational needs and disabilities does not discharge the school's obligation to other groups such as those of concern to the objector.

23. After the data from the local authority was copied to the objector, he wrote to me drawing my attention to the Equality Act 2010, the Public Sector Equality Duty (PSED) and also other data in the DfE pupil characteristics data of June 2020.

24. The Equality Act and the PSED concern people with protected characteristics. There are nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having English as an additional language or being eligible for free school meals are not protected characteristics. EAL may be a proxy for being a member of some black and minority ethnic groups, but a black Caribbean boy is as likely to have English as his first

language as a white boy living in this area of Greater London and so it may not be a good proxy. Furthermore, as a school designated by the Secretary of State as having a religious character and as a single sex school, the school is permitted to discriminate in its admission arrangements on the grounds of religion and sex by virtue of Schedule 11 to the Equality Act.

25. The additional data provided by the objector concerned the ethnicity of the pupils at the four schools which he was comparing. The table of values is reproduced below.

	White British	Total White	Caribbean	African	BAME
Richard Challoner	53.8%	68.8%	0.6%	2.8%	31.2%
Holy Cross	43.0%	61.3%	1.2%	7.0%	38.7%
Wimbledon College	30.6%	60.0%	1.0%	8.7%	40.0%
Ursuline High	34.6%	62.3%	1.7%	10.7%	37.7%

26. The objector argued that the school is less ethnically diverse than the other Catholic schools in the area. In particular, he drew comparison between the similarity of the data for Wimbledon College (boys) and Ursuline High (girls) compared to the difference between the school and its closest girls' Catholic school, Holy Cross. He attributed this difference to the feeder school criterion which is not found in the admission arrangements for Holy Cross.

27. I have looked at this data and the FSM data for all 11 state-funded secondary schools in the local authority area (this does not include Wimbledon College and Ursuline High which are in a neighbouring borough). The proportion of children eligible for FSM in the eleven schools ranges from 2.2 per cent to 16.2 per cent around the median of 10.1 per cent. The only schools with a smaller proportion of children eligible for FSM than the school are the two selective schools.

28. I have used the proportion of White British children as a simple measure of the diversity of the children at the schools. The range in the eleven schools is from 16.4 per cent to 67.6 per cent around the median of 43.0 per cent. At 53.8 per cent, the school is the second highest in the local authority area. The lowest figure is at a selective girls' school.

29. From this data, it appears to me that the school does have a less diverse and less deprived intake than other schools in the area. It is possible to speculate on the reasons for these variations. These could include the preference in some communities for single sex education for girls, priority in other admission arrangements for children eligible for FSM through the pupil premium and geographic factors. To uphold this part of the objection I must be satisfied that the main reason for this school having a less ethnically diverse population and a less deprived intake than other schools in the area is the feeder school criterion and that this is unfair. I will also consider whether the practice amounts to indirect discrimination.

30. Indirect discrimination is defined in section 19 of the Equalities Act. It would occur if it were more difficult for a person with a particular characteristic to meet the criterion than a person who did not share that characteristic and it was not a proportionate means of achieving a legitimate aim. The feeder school criterion is used to discriminate between applicants with the same level of attendance at worship in the Catholic church, other Christian denominations or other faiths. I have, therefore, considered whether it would be more difficult for boys from any racial group who worship regularly to attend one of the feeder schools. Those schools all have a religious character and give priority to Catholics and members of other denominations and faiths in their admission arrangements. Membership of those religious groups is open to members of all races equally. I conclude that a boy's race does not make it more or less difficult for him to attend a feeder school and thus meet this criterion and so no indirect discrimination arises.

31. I have used the DfE data to compose the following table of information about the seven feeder schools. I note that the school is the closest Catholic boys' secondary school for every one of these schools. There is one other Catholic primary school closer to the school than some of the feeder schools; however, that school is closer to another Catholic boys' school and so there is a reason not to include it among the named feeder schools.

School	Local Authority	Distance from School (Miles)	Number of Year 4 boys (June 2020)	White British	FSM
Our Lady Immaculate	Kingston	0.85	30	38.6%	4.8%
Corpus Christi	Kingston	1.35	24	32.3%	6.2%
Sacred Heart	Merton	1.45	12	43.4%	11.8%
St Cecilia's	Sutton	1.91	33	49.4%	3.7%
St Joseph's	Kingston	2.05	10	17.98%	15.3%
St Clement's	Surrey	2.43	15	69.3%	4.7%
St Agatha's	Kingston	2.8	20	37.9%	7.2%
Total			144		

32. The proportion of children at each of the feeder schools that is White British ranges from 17.98 per cent to 69.3 per cent with a median of 38.6 per cent. It is noticeable that only one of the feeder schools has a higher proportion of White British children than the school. The proportion of children eligible for FSM ranges from 3.7 per cent to 15.3 per cent with a median of 6.2 per cent. The proportion at the school is 6.1 per cent, close to the median for the feeder schools. It would appear that children in the feeder schools are more diverse and no better off than those in the school.

33. All parties were invited to comment on this data and my initial conclusions from it. The local authority provided further contextual data which it thought showed that the school's population was "more economically disadvantaged and more diverse than the immediate area in which it is situated." It concluded that without the feeder school criterion, the school would take more local boys and it would have a more advantaged and less diverse intake. The objector referred to other data which he said refuted this view arguing that in the electoral ward where the school is, there were not enough Catholic boys of secondary school age to have a significant effect if they were admitted.

34. Having considered all of the data put before me I have concluded that the school's intake is less diverse and less disadvantaged than other secondary schools in the area. For the avoidance of doubt, I do not think that this results from any intention or acts on the part of the school. As I have noted earlier, when comparing with other schools, there are many factors which could lead to this including, geography, preferences for single sex schools, preferences for faith schools and the presence of selective schools in the area. I will now consider the effect of the feeder school criterion on the pattern of admissions in recent years.

35. There are 144 boys in the feeder schools who will be looking for a secondary school place in September 2022. From the data published by the DfE and on the websites of the local authorities and the schools, it is not possible to ascertain how many of these boys are Catholic. However, where the primary schools have published data on their websites about recent admissions between 57 per cent and 88 per cent of the intake was Catholic. If those figures are typical, then between 82 and 127 Catholic boys will have priority for admission to the school in 2022 on the basis of attending a feeder school. Some of these may also have priority for admission on the basis of higher criteria, such as having a brother already at the school. Those who attend Mass fortnightly will have lower priority than boys who do not attend a feeder school but attend Mass weekly.

36. During the telephone conversation on 12 February 2021, I asked the school for information about the number of boys admitted from the feeder schools in the last three years. From the information provided I have constructed the following table.

Year	2018	2019	2020	2021*
Corpus Christi Total	24	29	23	25
Corpus Christi Other Criteria	10	9	6	10
Our Lady Immaculate Total	22	26	20	26
Our Lady Immaculate Other Criteria	8	5	5	6
Sacred Heart Total	13	16	16	20
Sacred Heart Other Criteria	1	6	0	4

Year	2018	2019	2020	2021*
St Agatha's Total	21	13	11	17
St Agatha's Other Criteria	6	5	0	4
St Cecilia's Total	19	25	17	29
St Cecilia's Other Criteria	3	6	4	9
St Clement's Total	6	4	5	8
St Clement's Other Criteria	1	1	3	3
St Joseph's Total	6	7	8	3
St Joseph's Other Criteria	3	0	3	0
Total admitted from feeder schools	111	120	100	128
Admitted under higher criteria such as sibling	32	32	21	36
Admitted under feeder school criterion	79	88	79	92

*Provisional

37. It is not surprising that a large proportion of the intake to a Catholic secondary school attended one of the closest Catholic primary schools. About one third of the intake is from two of the primary schools, Corpus Christi and Our Lady Immaculate. The proportion of White British pupils at these two schools is 32.3 per cent and 38.6 per cent, respectively. St Clement's is the only feeder school which has a higher proportion of White British pupils than the school which is 53.8 per cent. St Clement's only sends between six and eight pupils to the school each year. I can see nothing in these figures to suggest that the relatively low level of diversity in the school is caused by the large proportion of children who are offered places on the basis that they attended a feeder school.

38. It may be that there have been demographic changes in recent years resulting in the proportion of White British children in the feeder schools falling below what it was in the past. This was recognised by the objector; however, he said "I am not aware of why such a decline would have happened." None of the other parties suggested that there had been such a change. It seems to me that if the intake in 2022 reflects the level of diversity found in the feeder schools, it will be in line with that in the wider area.

39. I cannot reach the same conclusion about the FSM data. The median for the school, 6.1 per cent, is close to the median for the feeder schools and falls between the figures for the two largest feeders. St Joseph's which has the highest level of FSM has provided no more than eight pupils in any of the last four years. It seems to me that the relatively low level of financial disadvantage found in the school is representative of that found in the feeder schools.

40. Even if it has not caused the lower level of diversity and disadvantage in the school, it remains possible that the feeder school criterion is unfair. There are a range of reasons why parents of Catholic children may not have applied for their child to attend a Catholic primary school such as access, availability of wrap around childcare or higher academic outcomes at other schools. The feeder school priority has been in place for over 10 years and will be well known in the community. It is a factor which parents will take into account when choosing which primary schools to apply for. Other parents may not have been able to secure a place for their child at a Catholic primary school due to oversubscription, possibly after moving to the area after places were initially allocated. I have considered the extent that the feeder school criterion prevents such children from obtaining places at the school, noting that the arrangements themselves reserve 12 places for Catholic boys who do not attend feeder schools.

41. I repeat my observation above that a boy who attends Mass on a weekly basis will have priority for a place at the school, no matter which primary school he goes to, over a boy who attends one of the feeder schools, but attends Mass less frequently. In the last four years an average of 35 places have been allocated to boys who did not attend a feeder school. Given that the arrangements provide that up to 12 places would be offered to other Christians, this then leaves 23 for other Catholics. Looked after or previously looked after children and children of members of staff will not take all of those 23 places, and some of the children eligible on these grounds will be attending feeder schools but admitted under a higher criterion and so already counted. In my view, there is scope for Catholic children who have not attended a feeder school to obtain a place if their frequency of Mass attendance is high enough. The frequency concerned here would be weekly – which, as it happens, is the frequency required by the large number of Catholic schools which use the approach of the Certificate of Catholic Practice (CCP) promulgated by the Catholic Education Service for measuring Mass attendance.

42. I have looked at the number on roll of the feeder schools, all of which are within a three-mile radius of the school. Not all are oversubscribed, therefore a family moving into the area who wanted a Catholic primary school for their child would be able to find a place at one of them and so be able to be given priority on the basis of attending a feeder school.

43. My final consideration on this part of the objection is the other secondary school provision available to boys who may not be offered places at the school. As noted earlier, there are a wide range of other schools in the area. Any boy who was not offered a place at the school would be able to find an alternative school near to his home, albeit probably not Catholic, but possibly single sex.

44. There is no entitlement for a child to have either a faith-based education, or single sex education. Such places are limited and there must be clear, fair and objective criteria to decide the allocation of them if oversubscribed. Attendance at a feeder school is a permitted oversubscription criterion and there are cogent reasons these seven schools were chosen. The school does appear to have a less diverse and less disadvantaged intake than others in the area, but I can find no evidence that this is caused by the feeder

school criterion more than other factors such as its location or patterns of parental preference. Therefore, I do not uphold this part of the objection.

Places allocated to other Christians

45. The arrangements say that 12 places will be offered to applicants who meet the fourth oversubscription criterion, that is members of other Christian denominations. The objector was concerned that this did not conform with paragraph 1.36 of the Code. This paragraph of the Code says:

“As with other maintained schools, these schools are required to offer every child who applies, whether of the faith, another faith or no faith, a place at the school if there are places available. Schools designated by the Secretary of State as having a religious character (commonly known as faith schools) may use faith-based oversubscription criteria and allocate places by reference to faith where the school is oversubscribed.”

46. The objector quoted from guidance from the archdiocese:

“In the Diocese of Southwark, governing bodies must use oversubscription criteria which give priority to baptised Catholic children over all others, except in very exceptional circumstances where specific arrangements have been approved in writing by the Archbishop.”

He continued by saying that the school was heavily oversubscribed by Catholics and the arrangements did not say whether any approval had been given by the Archbishop for this practice. I have noted that the school’s website states that in each of the last three years only 12 non-Catholics were offered places.

47. The other argument made by the objector was that giving priority to non-Catholic children for these 12 places may not conform with the requirement that if places are offered to children not of the faith, first priority must be given to looked after and previously looked after children. This is set out in paragraph 1.37 of the Code which says:

“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.”

48. The local authority said that it understood this practice was introduced because there are no Church of England secondary schools in the borough and this gave the opportunity for some boys from other Christian denominations living near the school to attend a school with a Christian ethos. The archdiocese told me that the practice had been introduced in 2007 with the permission of a bishop. However, it now considered that the level of

oversubscription from Catholics makes this inappropriate today and the practice is not supported by the current Archbishop. The archdiocese said this lack of support from the Archbishop meant the practice did not conform with 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.”

49. The school confirmed the history behind this practice and contended that it complied with paragraph 1.38 as they had “debated the issue with the Diocese at the time and consulted in accordance with the Code at the time”. The school, however, said that it accepted that a review would be appropriate because of the position of the current Archbishop. I note that the Code requires admission authorities to consult on their arrangements at least every seven years, therefore, there should have been consultation with the archdiocese, parents and others since the practice was established.

50. The Code does not prohibit schools with a religious character from giving priority for a fixed number of places within the PAN for children of other faiths or of no faith. If this practice was not consistent with guidance from the body representing the faith, then an admission authority could still include it provided it had had regard to that guidance and had clear and proper reasons for departing from it. The representative body would of course be able to refer any practice of which it did not approve to the Office of the Schools Adjudicator (OSA) but in this case it has not done so.

51. For the purposes of this determination, I am of the view that the school is permitted to give priority to children not of the faith for 12 places and although this departs from the current guidance provided by the archdiocese there was, and there remains, a reason for this practice (the absence of other Christian schools in the area). My view is also influenced by the fact that the archdiocese has not felt strongly enough about the practice to refer it to the OSA itself.

52. However, if the school intends to give priority to non-Catholics for some places, then this must be done in a way which conforms with the Code. If they have not already been included in the highest priority group alongside Catholic looked after and previously looked after children, then paragraph 1.37 of the Code requires that first priority for any non-Catholic places goes to other looked after and previously looked after children of any faith or none. I note there was a similar requirement in the Code in place in 2007. It is not permissible for priority to be given to members of other Christian denominations unless greater priority has been given to all looked after and previously looked after non-Catholic children.

53. I uphold this part of the objection because the way in which priority is given for places reserved for non-Catholics in the arrangements does not conform with paragraph 1.37 of the Code.

Other Matters

The clarity of the first oversubscription criterion

54. Paragraph 1.8 of the Code requires that oversubscription criteria are clear. The first oversubscription criterion reads “Looked after* applicants who are baptised Catholics**”. The single asterisk leads to a note in which looked after children are defined. This definition includes the definition of previously looked after children. I considered that not explicitly mentioning previously looked after children in the criterion itself may be unclear.

55. The local authority said

“The school has done its utmost to minimise the description within each criterion for the sake of simplicity, but if the Adjudicator feels that the full definitions should be given within the actual criteria rather than in notes immediately below, then I’m sure they can make that change, even though it would make the criteria themselves wordier.”

The archdiocese and school made similar comments.

56. I do not disagree with keeping the criterion simple and providing a definition in a note. I do, however, consider that not referring to previously looked after children in the criterion itself could lead to a parent of a previously looked after child not being aware of their rightful priority for place. I find this criterion to be unclear.

The definition of Catholic applicants

57. The definition of Catholic applicants is

“In the context of school admissions, Catholic children are defined as children who are baptised or received into the Catholic Church, children baptised or received into the Eastern Churches in union with Rome and children of members of the Ordinariate.”

58. The archdiocese publishes on its website guidance on school admissions. This was last revised in 2018. The above definition appears on page 4 of that guidance which the school referred me to. My concern with this definition is that the requirement for baptism or reception is not applied to children of members of the Ordinariate. Paragraph 14 of the Code requires that admission arrangements are clear and fair. It did not seem fair to me that some children would be deemed Catholic on the basis of their parents’ status as a member of the Ordinariate rather than their own baptism or reception into the faith as was required for other children.

59. On page 7 of the guidance from the archdiocese there is a fuller definition of membership of the Catholic Church “Baptism or reception into the Church (Roman Catholic, members of the Ordinariate and the Latin and Oriental Rite Churches that are in union with the Bishop of Rome)” and one on page 23 specifically referring to “Baptised children of

parents who are members of the Ordinariate”. The need for evidence of baptism for these children was reiterated in the archdiocese’s written comments.

60. During the telephone conversation it was pointed out that this definition affected very few children, but it was agreed that the definition must be clear as well as fair and that it was not. The school and archdiocese undertook to work together to provide a definition which met the requirements of the Code.

Commitment to the applicant’s faith

61. The arrangements say:

“Where the number of applicants exceeds the number of places within any of the above categories, the following tie breakers will be applied in the order stated, using the following criteria:

1. The strength of evidence of commitment to the applicant’s faith, where appropriate, as demonstrated by the child’s level of Mass attendance on a Sunday or equivalent (for Catholic applicants), or level of attendance at religious services (for applicants of other faiths). Applicants will be ranked according to the evidence provided on Supplementary Form ‘B’ (available from the school), which must be endorsed by the priest, or minister of religion, where the child normally worships. Applicants who worship weekly will have priority, followed by those who practise fortnightly, and so on.”

There is no indication in the arrangements of how long religious practice should have been sustained for. This may not conform with paragraph 1.37 of the Code which says: “Admission authorities **must** ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied.” I will address the clarity of “and so on” when discussing the SIFs.

62. The local authority agreed that it was necessary for this matter to be clarified and the archdiocese said that its guidance was for practice to have been measured over the previous three years. I note that this is found on page 19 of its guidance in a model admissions policy rather than in the body of the guidance itself. The school said that the guidance given to priests did not include the three-year requirement and there was inconsistency between priests’ on this matter. The school also pointed out that because of restrictions on public worship during the Covid-19 pandemic meeting the requirement in the arrangements to attend Mass will be difficult if not impossible during the three-year period and so some flexibility was needed on this issue.

63. I note that the suspension of the obligation to attend Sunday Mass was announced on 18 March 2020 by the Bishops’ Conference of England and Wales. This led to variations to the arrangements for 2021 for some, but not all, maintained Catholic schools being requested from the OSA and for Catholic academies (which this school is) from the Education and Skills Funding Agency (ESFA). One approved variation was that until the obligation to attend Sunday Mass is reintroduced by the Bishops the frequency of

attendance prior to 18 March 2020 would be considered to have been maintained since that time.

64. During the telephone conversation, it was explained that both the frequency and the length of practice are required to enable parents to easily understand how any faith-based criteria will be satisfied. This must also include a description of any relaxation of the usual requirements due to Covid-19. The archdiocese also suggested that in future the CCP which I have discussed above may offer another approach; however, its own position on the CCP had not yet been decided.

65. I find that because the length of religious practice is not stated in the arrangements, parents cannot easily understand how any faith-based criteria will be reasonably satisfied and so the arrangements do not conform with paragraph 1.37 of the Code.

66. When revising this part of the arrangements, the school will be able to include provision to address restrictions on worship due to Covid-19 during whatever period it sets for practice to be sustained without the need to ask the ESFA for a variation. This is explained in paragraph 3.6 of the Code.

Membership of other denominations and faiths

67. The fourth oversubscription criterion reads:

“Applicants who are baptised (where infant baptism is practised) and members of other Christian denominations that are part of Churches Together in England, as well as Eastern Orthodox Churches”

68. This does not explain how membership of other Christian denominations would be demonstrated if infant baptism is not practised. This may not conform with paragraph 1.37 of the Code quoted in the previous section.

69. The archdiocese said that it considered greater clarity was required here and referred me to its model policy which requires evidence of either baptism or dedication. The school has indicated that it will adopt the form of wording proposed by the archdiocese.

70. The fifth oversubscription criterion reads: “Applicants who are members of other faiths.” It was not clear to me how membership of other faiths would be demonstrated or what constitutes another faith. This may not conform with paragraph 1.37 of the Code.

71. Again, the archdiocese said that greater clarity was required. In its guidance there is definition of other faiths:

“Children of other faiths” means children who are members of a religious community that does not fall within the definition of ‘other Christian denominations’ and which falls within the definition of a religion for the purposes of charity law. The Charities Act 2011 defines religion to include: ‘A religion which involves belief in more than one God’, and ‘A religion which does not involve belief in a God’.

Case law has identified certain characteristics which describe the meaning of religion for the purposes of charity law, which are characterised by a belief in a supreme being and an expression of belief in that supreme being through worship.”

The guidance also says in the model policy “Evidence of membership of the faith provided by a priest, minister or religious leader of a designated place of worship will be required”.

72. The high level of oversubscription from Catholics and from other Christians for the 12 places reserved for them means that it is very unlikely that any boys will be admitted through the oversubscription criterion for boys from other faiths. The school said that it includes this criterion to show that it is open to applicants from other faiths and that applications are received from the Muslim community.

73. The Code does not prohibit giving priority for places to members of other denominations and faiths. However, it does require that the oversubscription criteria for other denominations and other faiths are clear and easily understood to conform with paragraph 1.37 of the Code and I find that they are not sufficiently clear to do so.

The tie-breaker

74. Paragraph 1.8 of the Code says: “Admission arrangements **must** include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated.” Tie-breakers are set out in the arrangements and are quoted above. The tie-breaker is “1. The strength of commitment to the applicant’s faith” measured by the frequency of attendance at Mass or other religious services. The arrangements then say “2. Within each level of attendance ...” and list six further criteria labelled A to F.

75. As they are set out in the arrangements, these tie-breakers can only be applied to the faith-based oversubscription criteria. The local authority representative said: “I would think it would be obvious to parents/carers reading the policy, sub-criteria E and F would be used”. The school was of a similar opinion but said it could find a form of words which were clearer. Because oversubscription is usually reached before any boys of no faith are considered it has not been necessary to differentiate between them and so the inapplicability of the tie-breakers to the sixth oversubscription criterion has not been an issue.

76. The school may choose to include oversubscription criteria which are unlikely to be reached, but if it does so, then they must meet the requirements of the Code, including having a clear and effective tie-breaker. I find that the arrangements do not contain a clear tie-breaker as required by paragraph 1.8 of the Code for the sixth oversubscription criterion.

Measurement of distance

77. Paragraph 1.13 of the Code says:

“Admission authorities **must** clearly set out how distance from home to the school will be measured, making clear how the ‘home’ address will be determined and the point in the school from which all distances are measured. This should include

provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent.”

78. The arrangements say:

“Distance from the school, as measured by a straight line from the applicant’s home to the school gate (adjacent to the school garage) used by students, located on Manor Drive North. All distances will be measured by the Geographical Information System used by Kingston LA, or another system approved by the Governing Body.”

79. The Code requires that the arrangements are clear about how measurements are made. Referring to one method and then saying “or another” cannot be clear. All parties agreed that this needs to be clarified and the school said it would remove the reference to another system.

80. As to provision for cases where the child lives at different addresses during the week the local authority said it “would argue that, despite what the Code says, that is more of a coordinated scheme issue, in that most parents who have a shared care arrangement would make preferences for more than one school, therefore it is the local authority who would effectively decide which address should be used.” It quoted a section from its composite prospectus.

81. The Code is set by Parliament and imposes mandatory requirements, of which this one, on admission authorities and on other bodies in the exercise of particular functions. The school must adhere to the requirements of the Code by virtue of its funding agreement. Admission arrangements must be published by 15 March each year; the composite prospectus must be published by 12 September each year. Information contained only in the composite prospectus or the scheme of co-ordination cannot be a substitute for what the Code requires in a set of admission arrangements. This is because any one with concerns about a set of arrangements must make their objection to the OSA by 15 May and they will not be able to do so if details are not included in the arrangements and are published in other documents at other times.

82. I find that the arrangements do not conform with paragraph 1.13 of the Code.

Education, Health and Care Plans

83. Paragraph 1.6 of the Code explains that all children whose EHCP plan names the school must be admitted before oversubscription criteria are applied to other children. It is possible for a child to have an EHCP that does not name a school. Children with an EHCP that does not name the school are therefore subject to the same oversubscription criteria as all other applicants.

84. The arrangements say:

“The admission of students with an Education and Health Care Plan (EHCP) is dealt with by a completely separate procedure. This procedure is integral to the making

and maintaining of EHCPs by the student's home Local Education Authority. Details of this separate procedure is set out in the Special Educational Needs and Disability Code of Practice. Any student admitted with an Education and Health Care Plan will reduce the total number of places on offer by one."

85. The local authority considered any clarification of this was unnecessary because "any parent/carer whose child has an EHCP would know that". The archdiocese agreed that it was necessary to clarify that the school must be named in the EHCP for them to be admitted ahead of other children.

86. The school agreed with the local authority that clarification was unnecessary and said its wording followed the archdiocese's template (which it does) and was reluctant to unilaterally change the wording. The local authority representative said that all children with an EHCP would have a school named on it. This is not the case, some children have needs covered by an EHCP that do not require them to attend a specific school and so no school is named in the EHCP.

87. I find that the information in the arrangements concerning children with EHCPs is not clear and so does not conform with paragraph 14 of the Code.

Waiting lists

88. Paragraph 2.14 of the Code says:

"Each admission authority **must** maintain a clear, fair and objective waiting list until at least **31 December** of each school year of admission, stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria. Priority **must not** be given to children based on the date their application was received or their name was added to the list. Looked after children, previously looked after children, and those allocated a place at the school in accordance with a Fair Access Protocol, **must** take precedence over those on a waiting list."

89. The arrangements say:

"Parents of children who have not been offered a place at the school may ask for their child's name to be placed on the waiting list. The waiting list, which will be maintained until 31st August 2022, will be operated using the same admissions criteria listed above. Placing a child's name on the waiting list does not guarantee that a place will become available. This does not prevent parents from exercising their right to appeal against the decision not to offer a place. It is possible that when a child is directed under the Local Authority's fair access protocol, they will take precedence over those children already on the list.

After the start of the year, applicants for in-year admissions and waiting lists will be managed in accordance with the Royal Borough of Kingston's co-ordinated scheme for in-year admissions. Applications for admission to Year 7 after 1st September

2022 and for admission into Years 8 to 11 in 2022/23, must be made to Kingston School Admissions on their in-year application form. If you wish to apply for a place at this school, you must name the school as one of your preferences on the application form.”

90. The local authority considered that the arrangements met the requirements of the Code regarding waiting lists. It did not recognise that the arrangements say that the waiting list will only be maintained until 31 August 2022, rather than 31 December 2022 as required by the Code. Nor do the arrangements say that each added child will require the waiting list to be ranked again according to the oversubscription criteria in the required period. The arrangements do say that the waiting list will be managed “in accordance with the Royal Borough of Kingston’s co-ordinated scheme for in-year admissions” after 1 September 2022, but do not say what this means.

91. The archdiocese recognised the incorrect date in the arrangements and the school said that it had used the wording from the archdiocese’s guidance. I have looked at that guidance and the date is left blank in it.

92. The Code sets out how the waiting list must be managed, and what the arrangements must say about it. I find that the arrangements do not meet the requirements of paragraph 2.14 of the Code.

Admission out of the normal age range

93. Paragraph 2.17 of the Code requires admission authorities to “make clear in their admission arrangements the process for requesting admission out of the normal age group.” These arrangements make no reference to this process.

94. The local authority considered this to be another matter for the scheme of co-ordination. It suggested some wording focused on applying for a year group below the normal age group. The archdiocese and the school both agreed with the local authority’s view and its suggested wording.

95. The Code is clear that this is a matter for admission authorities to address in their arrangements and that parents can request that a child is admitted to an older age group as well as to a younger one. I find that the requirements of paragraph 2.17 are not met.

Supplementary Information Forms

96. Paragraph 2.4 of the Code sets out the requirements for SIFs:

“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."

97. At the end of the first paragraph of the arrangements it says "All applicants should complete Supplementary Form A and, where appropriate, Supplementary Form B." Later in the arrangements it says:

"Completion of a supplementary form is not compulsory. However, if a supplementary form is not completed and returned to the school by the required date, then an application will be considered under criterion 6 "All Other Applicants"."

98. The arrangements are not clear about when a SIF is required and why two SIFs are necessary. The SIFs also appeared to include questions which did not conform with the requirements of paragraph 2.4 of the Code.

99. The first section on Supplementary Form A asks for the son's full name, his date of birth and his present school together with its address and telephone number. It is necessary for sufficient personal details to be collected in order to match the SIFs with the common application form (CAF). It is also necessary to establish whether the boy attends one of the seven feeder schools, the address and telephone number of which would be known to the school, to make a decision about the oversubscription criteria. However, if the boy attends any other school, details of that school are irrelevant for the purpose of the oversubscription criteria and must not be requested on a SIF. A parent could be concerned that the primary school may be contacted for information about their son which may affect the consideration of the application.

100. The next section asks for the name and contact details of the parent or guardian. It is necessary to know where the boy lives so that the home to school distance can be measured and that will be found on the CAF, the parent's address is not relevant and if different to the boy's could lead to personal family details being revealed which have no relevance to the application. Paragraph 2.10 of the Code says:

"In the normal admissions round, offers of primary and secondary places **must** be sent by the home local authority and schools **must not** contact parents about the outcome of their applications until after these offers have been received. Admission authorities **must not** provide any guarantees to applicants of the outcome of their application prior to the formal notification of any offers of a place in a suitable school by the home local authority."

It was, therefore, unclear to me why the school was asking for the parent's contact details on a SIF. The school explained that it helped them follow up applications where parents had forgotten to attach baptism certificates or had omitted other details necessary to support their application. I was also told that it was possible for documents to go astray when the SIFs were passed to the school via a priest. While this may be helpful in avoiding challenges to the process which could result if documents go astray, there is a danger that other challenges could be made if the parent of one boy is contacted about some missing information and another is not. The Code, however, prohibits schools from contacting parents about the outcome of applications not the content of them. If the school considers it necessary to have contact details of parents so that it can follow up omissions on the SIF then it should ensure that the contact detail requested is the minimum needed to and will not lead to information being revealed that would be prohibited by paragraph 2.4 of the Code.

101. The next page of Supplementary Form A asks whether the boy is looked after. That information should be available from the CAF. In the case of previously looked after children, admission authorities may request a copy of the adoption order, child arrangements order or special guardianship order and a letter from the local authority that last looked after the child confirming that he or she was looked after immediately prior to that order being made. This is set out in paragraph 2.5 of the Code. I have expressed my view earlier in this determination that the arrangements do not explicitly refer to previously looked after children in the oversubscription criteria. Only, and unnecessarily, referring to looked after children on the SIF reinforces those concerns.

102. Other questions on this page ask whether the boy is Catholic, from another Christian denomination, of another faith, or of no faith at all. The next part of the form asks whether the boy will have a sibling on roll, is the child of a member of staff, attends a feeder school and asks for evidence that a child is looked after and seeks supporting details. The parent is then required to sign a statement that:

“If our/my son is accepted to Richard Challoner School, we/I agree to co-operate with the school by ensuring that all school rules are kept, that the correct uniform is worn at all times and that the standards of the school are always upheld. We/I also accept that the decision of the Headmaster in these matters is final.”

103. The school recognised that seeking such undertakings from parents was an error and assured me that it had never been taken into account when considering applications.

104. Supplementary Information Form B begins by asking for the child's names and date of birth. I accept this duplication is necessary to match up with Form A and the CAF. However, it then repeats questions about the child's religion, and previous school found on Form A. There is then space for two parents to give their names and religions. The arrangements say it is the child's faith which determines their priority for a place at the school, not whether a child has one or two parents, or what their religions are. Paragraph 2.4 of the Code prohibits asking for any information which is not necessary to make decisions about oversubscription criteria.

105. The next box on the form is for “Home Address”. I will give the benefit of the doubt that this is meant to be the child’s address as the address of the parent filling in the form was asked for on Form A and I have discussed that above. However, as the next three boxes are for home, mobile and work telephone numbers that may not be the case. This duplicates and extends the fault I found with seeking unnecessary details about parents above.

106. The next box on the form is for the parish of residence. The deanery of residence is part of the oversubscription criteria and parents will be more aware of their parish than their deanery and so I can accept that asking for parish of residence is a way of establishing the deanery of residence. However, it is not necessary to know the place of worship which is asked for in the subsequent box in order to make a decision about oversubscription. Similarly, which Mass is attended is not an oversubscription criterion and so the question concerning it must not appear on a SIF.

107. The next question is “How often do you attend Mass?”. It is the parent who is filling in the form (the Code prohibits it being the child) and so I take the “you” to be the parent. In the arrangements it is clearly stated that it is the child’s attendance that is required. Four tick boxes are provided labelled “Weekly”, “Fortnightly”, “At Least once a month” and “Less often”. In the oversubscription criteria it says: “Applicants who worship weekly will have priority, followed by those who practise fortnightly, and so on.” From the words “and so on”, I would understand that after fortnightly came once in three weeks, once in four weeks, once in five weeks ... the frequencies of worship on the SIF and in the oversubscription criteria are not consistent making the arrangements unclear.

108. This is followed by a large box for parents to “add here any other information you may feel is relevant to the school's admissions policy in regard to religious practice, e.g. reasons why religious practice may not be weekly, e.g. illness.” If any allowance is made for factors which may prevent boys from meeting a particular level of religious practice, that must be set out in the arrangements. That provision must also be “fair, clear and objective” to meet the requirement of paragraph 14 of the Code. There is no such allowance made in the arrangements and so this question should not appear on a SIF.

109. Parents are asked to tick a box if they “have any objection to the school contacting your Priest for further information, should it be required”. This suggests that other factors not set out in the arrangements may be taken into account when considering applications and that is prohibited by the Code.

110. The next page of Form B is to be completed by a priest, minister of religion or faith leader. They are asked if they are satisfied that the child is either a baptised Catholic, baptised Christian or known to them. These questions appear to me to be irrelevant because baptism certificates were requested in Form A and whether a priest knows a child is not an oversubscription criterion.

111. The priest is then asked to tick a box indicating the frequency of attendance at Mass using the same four categories as on the previous page. Form B then asks: “How long has the child attended your church?” As discussed earlier in this determination, parents must

know the length of time for which religious practice has been sustained if they are to understand how faith-based criteria can be satisfied and this does not appear in the arrangements. However, the length of time a child has attended a particular church is not an indicator of how long a particular level of practice has been sustained. The frequency of practice may have changed over time or been at a different church.

112. The next box on the form is for the priest to state if “there are valid reasons for Mass attendance to be considered as weekly because of illness or other reason”. I have explained above that there is no provision in the arrangements for such reasons to be taken into account and if there were, they would need to be clear, fair and objective.

113. In my view, this form would be difficult to interpret and complete if the applicant was not a Catholic and more so if not a Christian. Both forms ask questions which are not permitted by the Code and contain duplication of each other and the CAF. I find that the SIFs do not meet with the Code requirements I have referred to in this section of my determination.

Summary of Findings

114. The first part of the objection was that the use of feeder schools in the oversubscription criteria was unfair to boys with EAL or on FSM. Data shows that the school is less ethnically diverse than most other state funded secondary schools in the area and has lower levels of FSM. I can find no evidence that this is caused by giving priority to children who attend feeder schools. Indeed, if the school reflected the ethnic diversity of the feeder schools, then it would be more in line with other local schools on that measure. I do not uphold this part of the objection.

115. The second part of the objection concerned the 12 places reserved for other Christian boys. The objector and the archdiocese do not support the practice of reserving places for non-Catholics. The Code does not prohibit the school from reserving places for non-Catholics, but if it does so the first priority for those places must be given to non-Catholic looked after or previously looked after boys unless they have already been given earlier priority alongside Catholic looked after and previously looked after children. This is set out in paragraph 1.37 of the Code; the arrangements do not meet this requirement and so I uphold this part of the objection on that ground.

116. I have set out above the other ways in which I find the arrangements do not conform with the Code. Of these I would like to emphasise in this summary the need for the arrangements to be clear about the length of time for which the stated frequencies of worship must be sustained. This clarity must extend to any relaxation of these requirements to reflect the impact of Covid-19 on public worship. Parents must be able to understand easily how they can satisfy faith-based oversubscription criteria. I also reiterate the requirement for SIFs to only request information needed to make decisions about oversubscription criteria.

Determination

117. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2022 determined by Richard Challoner School for Richard Challoner School, Kingston upon Thames.

118. I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

119. 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 of the date of this determination.

Dated: 19 March 2021

Signed:

Schools Adjudicator: Phil Whiffing