



Office of
the Schools
Adjudicator

Case reference: VAR2118

Admission authority: The governing board of Nettleham Church of England Aided Junior School, Nettleham, Lincoln

Date of decision: 15 June 2021

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 Nettleham Church of England Aided Junior School, Nettleham, Lincoln for September 2022.

I determine that for admission in September 2022 the faith based oversubscription criteria will be as described in this determination.

The referral

1. The governing board of Nettleham Church of England Aided Junior School (the school) has referred a proposal for a variation to the admission arrangements for September 2021 for the school, to the Office of the Schools Adjudicator. The school is a voluntary aided school for children aged 8 -11 with a Church of England religious character. The local authority is Lincolnshire County Council and the diocese is the Diocese of Lincoln (the diocese).
2. The proposed variation makes changes to the faith based oversubscription criteria and is made in the light of the Covid-19 pandemic.

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 have been informed that the required notification has taken place and I am satisfied that the proposed variation is within my jurisdiction.

The proposed variation and consideration of the proposed variation

5. Where the school is oversubscribed, priority may be given on the basis of faith. The school’s arrangements take account of attendance at Church. During the Covid-19 pandemic churches have at some times been closed altogether and at other times not been available for public worship or access to such worship has been restricted in the interests of public health. It is against that background that the request for a variation is made. Since the school’s oversubscription criteria include attendance at Church on a regular basis which is defined as monthly over the two years prior to the application for a place, parents and their children are unable to meet this criterion under the terms of the school’s current admissions arrangements. In consequence the proposed variation provides that attendance will only have been required at times when the Churches are open for such public worship.

6. The proposal is that the admission arrangements will be varied to contain the following note:

“In the event that during the period specified for attendance at worship, the church has been closed for public worship and has not provided alternative premises for that worship, the requirements of these admissions arrangements in relation to attendance, will only apply to the period when the church has been available for public worship.”

7. It is beyond question that the Covid-19 pandemic represents a major change of circumstances. I am satisfied that the proposed variation is a pragmatic and appropriate response. I approve the variation.

Dated: 15 June 2021

Signed:

Schools Adjudicator: David Lennard Jones