



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2207

Admission authority: the governing board for Christ Church Church of England Primary School in the London Borough of Greenwich

Date of decision: 18 November 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 for Christ Church Church of England Primary School 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 for Christ Church Church of England Primary School (the school) has referred a proposal for a variation to the admission arrangements for September 2022 (the arrangements) for the school to the adjudicator. The school is a voluntary aided school for children aged five to eleven in Greenwich and the local authority area of the Royal Borough of Greenwich. The school has a Church of England religious character. The Diocese of Southwark is the faith body for the school (the faith body) and submitted the variation request on behalf of the governing board.
2. The proposed variation makes changes to the faith-based oversubscription criteria and is made in the light of the Covid-19 pandemic.

Jurisdiction and procedure

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which deals with variations to determined

arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) say (in so far as is relevant here):

“3.6 Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified.”

3.7 Admission authorities **must** notify the appropriate bodies of all variations”.

4. The faith body, on behalf of the governing board, provided me with confirmation that the appropriate bodies have been notified. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variation is within my jurisdiction.

5. In considering this matter I have had regard to all relevant legislation, and the Code. The information I have considered in reaching my decision includes:

- a. the referral dated 18 October 2021 and provided 1 November 2021 and supporting documents; and
- b. the determined arrangements for 2022 and the proposed variation to those arrangements.

The proposed variation and consideration of the proposed variation

6. Paragraph 3.6 of the Code (as above) requires that admission arrangements, once determined, may only be revised, that is changed or varied, if there is a major change of circumstance or certain other limited and specified circumstances. I will consider below whether the variation requested is justified by the change in circumstances.

7. Where the school is oversubscribed priority may be given on the basis of faith. The school's arrangements take account of attendance at places of worship. During the Covid-19 pandemic places of public worship have at some times been closed altogether and at other times not 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 public worship of a specified frequency over a specified period of time, 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 places of public worship are open for such public worship.

8. The oversubscription criteria for the school include criteria that require that the child and a parent are regular worshippers at named churches in order to be met. Regular attendance at worship is defined as at least monthly for at least three years prior to the application.

9. The proposed variation is the insertion of the following words: “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 or alternative premises have been available for public worship.”

10. 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.

Determination

11. 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 for Christ Church Church of England Primary School for September 2022.

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

Dated: 18 November 2021

Signed:

Schools adjudicator: Deborah Pritchard