



Office of
the Schools
Adjudicator

Determination

Case reference: ADA3925

Objector: A member of the public

Admission authority: The governing board of St Paul's CofE (VA) Primary School, Cambridge

Date of decision: 06 October 2022

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2023 determined by the governing board of St Paul's CofE (VA) Primary School, Cambridge.

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 the determination, unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 30 November 2022.

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 member of the public (the objector), about the admission arrangements (the arrangements) for St Paul's CofE (VA) Primary School, Cambridge (the school), a voluntary aided primary school for 4 to 11 year olds for September 2023. The school has a Church of England religious character and is situated within the Cambridge South Deanery.

2. The objection concerns the process for requesting admission out of normal age group for summer born children. The objector is also concerned that the arrangements for 2023/24 have not been published on the school's website.
3. The local authority (LA) for the area in which the school is located is Cambridgeshire. The LA is a party to this objection, as is the objector. The other party to the objection is the Diocese of Ely (the diocese) in its capacity as the school's religious authority.

Jurisdiction

4. These arrangements were determined under section 88C of the Act by the school's governing board, which is the admission authority for the school.
5. The objector submitted her objection to these determined arrangements on 3 May 2022. 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.
6. I have also used my power under section 88I of the Act to consider the arrangements as a whole, because they have come to my attention by way of the objection, to determine whether they conform to the requirements relating to admissions and if not in what ways they do not so conform. When I considered the arrangements, I identified a number of matters which appeared not to meet the requirements. I will refer to my findings in that regard in the sections of the determination headed 'Other Matters'.

Procedure

7. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
8. The documents I have considered in reaching my decision include:
 - a. a copy of the minutes of the meeting of the governing board at which the arrangements were determined;
 - b. a copy of the determined arrangements, which includes the Supplementary Information Form (SIF);
 - c. the objector's form of objection dated 3 May 2022;
 - d. the response of the school to the objection;
 - e. a copy of the general guidance on admissions provided by the diocese on its website; and
 - f. information available on the websites of the school, the Department for Education (DfE) and Ofsted.
9. The LA and diocese told me that they have no comments to make on the objection or other matters.

The Objection

10. The objector has raised the following two concerns (I indicate the relevant paragraphs of the Code in brackets):

- 10.1. The arrangements for 2023/24 do not include the process for requesting admission out of normal age group for summer born children. (Paragraphs 14 and 2.18 to 2.20)
- 10.2. The arrangements for 2023/24 have not been published on the school's website. (Paragraph 1.50)

Other Matters

11. In a number of respects the arrangements appeared to me to lack the clarity required by the Code and / or not to include all the information that the Code requires to be provided in arrangements. The areas of specific concern to me were in relation to the following: the wording of the section in which the admission procedure into Reception is outlined; the fact that the catchment area is not properly defined; issues with clarity in respect of the wording of some of the oversubscription criteria and the titles of some of the sections, such as the 'Reserve List'; the lack of definition of 'home address'; and no 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.

12. I raised these matters with the governing board.

Background

13. The school is a voluntary aided primary for 4 to 11 year olds and is of Church of England religious character. It is an all-ability, co-educational school. Ofsted rated the school as 'Good' in 2021. According to the 'Get Information About Schools' (GIAS) website, the number of students at the school is 142. The school has a capacity of 210. The Published Admission Number (PAN) for the school is 30. The GIAS website lists 19 other primary schools within two miles of the school's location.

14. Although the objection does not refer to the oversubscription criteria, the other matters I have raised with the governing board do concern them, so I summarise those criteria here. After the admission of children with Education, Health and Care Plans (EHCPs), the school prioritises the admission of children in the order below:

- 1. Looked after children / previously looked after children.
- 2. Children normally living in the catchment area, who have a sibling attending the school at the time of admission.
- 3. Children normally living in the catchment area.

(A limit of 27 pupils can be admitted with EHCPs and under criteria 1 to 3)

4. Up to three Church places will be offered to children of families who specifically wish their children to be educated at a Church of England school.
5. Other children normally living in the catchment area (and not included in oversubscription criterion 3).
6. Children not living within the catchment area who have a sibling at the school at the time of admission.
7. Children applying for a Church place (and not already offered a place under oversubscription criterion 4).
8. Any remaining applicants.

All Church place applications must be accompanied by a completed SIF. Where there is a need to prioritise within a category, children living nearest to the school will be given priority.

15. The arrangements for 2023 were determined by the governing board on 5 July 2022. This is after the deadline for determining arrangements which was 28 February 2022. This does not affect the standing of the arrangements or my power to consider them or the objection.

16. In respect of the arrangements, the governing body appeared to be leaving its arrangements to stand from year to year if unchanged. I have brought to the attention of the governing body paragraph 15 b) of the Code, which states: "Admission authorities **must** set ('determine') admission arrangements annually" and paragraph 1.49 which states:

"All admission authorities **must** determine their admission arrangements, including their PAN, every year, even if they have not changed from previous years and a consultation has not been required by 28 February in the determination year."

Consideration of Case

Admission of children outside of their normal age group

17. The objector was concerned about the following paragraph of the school's arrangements (bold is the objector's emphasis):

"By Law, provided you have made an application, you will be offered a place for your child for the Reception year from the September following their 4th birthday. On receipt of the offer of a school place you can choose to take up this place immediately, take up this place on a part time basis until the beginning of the term after their 5th birthday, or defer your child's admission to the school until the beginning of the term after their 5th birthday but not beyond the beginning of the final term of the school year for which the application was made. This means, if your child

is a summer born they will need to start school in April 2024 to keep the place at the school offered. **If your child does not start school in April 2024 you will need to apply in June 2024 for a Year 1 place with no guarantee of the same school being offered.** Parents may discuss the admission of their child with the school following the receipt of the offer letter.”

18. Paragraph 2.18 of the Code states:

“Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. In addition, the parents of a summer born child may choose not to send that child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group – to reception rather than year 1. Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group.”

19. Paragraph 14 of the Code states that:

“In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear, and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.”

20. I can find no explanation in the paragraph of the arrangements identified by the objector, or in any other part of the arrangements, which meets the requirements of paragraphs 14 or 2.18 of the Code in respect of making clear the process for requesting admission out of the normal age group.

21. The school informed me that no pupils have been admitted out of their normal age group in the last three years or have been offered a place out of their normal age group for September 2022. Nevertheless, the arrangements must meet the requirements of the Code for those parents for whom such an application might be relevant for admission in 2023/24. I uphold this part of the objection.

Determined arrangements not published on the website

22. Paragraph 1.50 of the Code states:

“Once admission authorities have determined their admission arrangements, they [...] **must** publish a copy of the determined arrangements on the school’s website [...] by 15 March in the determination year and continue displaying them for the whole offer year (the school year in which offers for places are made).”

23. I have found that the governing board has not been meeting the requirements of paragraph 15 b) of the Code to determine its arrangements annually. Therefore, the governing body will have thought that the arrangements published on the website – which were unchanged from 2021 – were the determined arrangements for 2023. Additionally, the

arrangements for 2023 were then not determined until July 2022 and so could not have been published on the school's website from 15 March 2022. I therefore uphold this part of the objection.

24. I note here that since the determination of the arrangements in July 2022, the governing board has published them on the school's website and has therefore already addressed the concern raised by the objector.

Other Matters

25. Having considered the arrangements as a whole it appeared to me that the following matters do not conform with the requirements of the Code and so I brought them to the attention of the governing board. I indicate where paragraphs of the Code are relevant, except paragraph 14 which is relevant to the majority of the matters. The matters raised with the school are:

25.1. Under the heading "Admission procedure for the Reception Class":

25.1.1 The sentence "Children will not be admitted outside their date of birth year natural group unless an exceptional need has been identified" is not clear for parents where I have underlined (because the meaning of the phrase 'natural group' is unclear). Additionally, paragraph 2.19 of the Code does not refer to the requirement for an 'exceptional need' in such situations. Rather it states: "Admission authorities **must** make decisions on the basis of the circumstances of each case and in the best interests of the child concerned." The phrase 'exceptional need' needs to be made clear for parents.

25.1.2 Paragraph 1.14 of the Code states "Catchment areas **must** be designed so that they are reasonable and clearly defined". Where it is said in this section of the school's arrangements that "Information about the catchment area is available from the school", this does not comply with the Code. A parent should be able to read a set of arrangements and understand how it is to be applied. The form of words used does not define clearly for parents reading the arrangements what the catchment actually is. Moreover, the catchment area is part of the arrangements and is therefore covered by the requirement to be published on the school's website. This could be by means of a map or a list of roads or postcodes which comprise the catchment area.

25.2. In terms of the oversubscription criteria:

25.2.1 Under criterion 2, it is not clear for parents whether the reference to 'St Paul's' is the church or the school.

- 25.2.2 Criterion 3 is not clear for parents as it does not explain that the number of students admitted up to this point will not exceed 27 because of oversubscription criterion 4.
- 25.3. Under the heading “Informing parents of the decision”, it states “When an application is refused, the child’s details are automatically placed on a waiting list [...]”. The arrangements later refer to ‘The Reserve List’. It is not clear to parents that they are the same list.
- 25.4. Under the heading “The Reserve List”:
- 25.4.1 It is stated that: “A new request from another parent for a child’s name to be placed on the list can result in other children being moved further down the list if this child has higher priority for a place in line with the school’s admissions criteria.” It is not clear for parents that the ‘school’s admissions criteria’ is referring to the oversubscription criteria.
- 25.4.2 It is also stated: “the Admissions Team holds the initial Reserve list on behalf of the Governing Body until the end of the autumn term in the initial year of intake.” Paragraph 2.15 of the Code states: “Each admission authority **must** maintain a clear, fair, and objective waiting list until at least 31 December of each school year of admission”. Parents may think that the end of the autumn term is the last day in which pupils attend school, and not the 31 December. The arrangements are therefore unclear for parents.
- 25.4.3 The rest of this section does not clearly state the situation as to who, if anyone, holds the waiting list beyond December 31.
- 25.5. Footnote 2 states: “The address used for the purpose of admission is the home address at the time of application. We use the LA’s [local authority] definition of home address, which can be found detailed in the First Steps – Admissions guidance 2021-22 booklet. The family must expect to be resident at this address at the time of admission.” In respect of this footnote:
- 25.5.1 Given the fullness of the arrangements on all other matters, it is not clear why the school does not provide the definition of ‘home address’ in its arrangements for parents.
- 25.5.2 It is also the case that, as a result, the arrangements do not include the 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. (Paragraph 1.13)
- 25.6. In relation to the faith places, the arrangements refer to “children of families who specifically wish their children to be educated at a Church of England school”. What parents may wish cannot form an objective and clear

oversubscription criteria. Schools with a religious character such as this one can have faith-based oversubscription criteria, but these criteria must be based on something that is objectively discernible and / or measurable. The most common of such criteria for Church of England schools is attendance at public acts of worship. Indeed, the school's SIF when I first reviewed it referred, albeit unclearly, to such worship. I turn now to that SIF. In the SIF as determined, the guidelines provided for applicants states:

"Applicants for a Church priority place are asked to identify themselves as being: known to the church; or attached to the church; or at the heart of the church. The period in question is the past two years up to the date of the local authority admissions deadline. Applicants new to the area would need to provide evidence from a previous church or churches.

An applicant 'known to the church'. This may be a child who is known through a family connection, or who is involved in some children's church activity with less than monthly attendance at formal church worship.

An applicant 'attached to the church'. This may be a child who attends a monthly family or church parade service or whose family is involved in a weekday church activity including an element of formal worship at least once a month.

An applicant 'at the heart of the church'. This may be a child who attends formal worship at least twice a month. To accommodate difficult patterns or [sic] work and family relationships, account should be taken of weekday worship, monthly family or church parade services or weekday church activities which include an element of formal worship."

I am concerned about the following in respect of this:

25.6.1 The way these categories have been defined does not meet the requirement for clarity for parents under the Code. Phrases such as a 'family connection' for example are undefined and would therefore be unclear to parents.

25.6.2 The diocese provides a much clearer SIF as part of its general guidance to schools on admissions which addresses this issue, and this does not appear to have been considered by the school when setting its arrangements.

26. The governing board has told me that it intends to address these matters so that the arrangements will conform to what the Code requires. I welcome this and as the governing board is actively seeking to address the areas I have brought to its attention I will not mention those matters further in this determination, other than to say that the Code requires

that the arrangements be varied in order to comply with the requirements relating to admissions.

Summary of Findings

27. The objector was concerned that the arrangements did not explain the process for parents who may wish to apply for a place out of normal age group for children who are summer born. The objector also raised the fact that the determined arrangements for 2023 were not published on the school's website.

28. I find that the arrangements do not comply with the requirements of paragraphs 14 and 2.18 of the Code. I also find that the school had not complied with paragraph 1.50 of the Code, though has subsequently rectified that by publishing the arrangements after they were determined in July 2022.

29. I have also found that other areas of the arrangements do not comply with the Code and have brought those matters to the governing board's attention. It has indicated its intention to address the matters raised with them and that is welcomed.

30. The governing board must address my findings in the timescale set out in this determination.

Determination

31. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2023 determined by the governing board of St Paul's CofE (VA) Primary School, Cambridge.

32. 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.

33. 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 the determination, unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 30 November 2022.

Dated: 06 October 2022

Signed:

Schools Adjudicator: Dr Robert Cawley