



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: VAR2370**

**Admission authority: The governing board of Our Lady's Catholic High School, Hackney**

**Date of decision: 22 August 2023**

## 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 Our Lady's Catholic High School for Our Lady's Catholic High School for September 2024.**

**I determine that the admission arrangements for September 2024 be revised where necessary in order to enable boys to be admitted.**

## The referral

1. The governing board for Our Lady's Catholic High School (the school) has referred a proposal for a variation to the admission arrangements for September 2024 (the arrangements) for Our Lady's Catholic High School (the school) to the adjudicator. The school is now a voluntary aided coeducational secondary school for pupils aged 11 to 18 in Hackney with a Catholic religious character.
2. The proposed variation is that the arrangements be revised to enable boys to be admitted.

## 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 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. Where the local authority is the admission authority for a community or voluntary controlled school, it **must** consult the governing body of the school before making any reference.

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

4. The governing board has provided me with confirmation that the appropriate bodies have been notified. I have seen confirmation that the local authority and the Roman Catholic Diocese of Westminster (the diocese) have been consulted on the proposed variation. 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.

6. The information I have considered in reaching my decision includes:

- a. the referral from the governing board dated 27 July 2023, supporting documents and further information provided at my request;
- b. the determined arrangements for 2024 and the proposed variation to those arrangements;
- c. comments on the proposed variation from the local authority and diocese; and
- d. information available on the websites of the local authority, the school and the Department for Education.

## The proposed variation

7. On 24 July 2023, the local authority approved a proposal submitted by the governing board of Our Lady’s Catholic Girls’ School, to become a co-educational school by 1st September 2024. In consequence of this it has become necessary to change the school’s admission arrangements. The proposed variation to the 2024 arrangements is that they be revised where necessary to allow for the admission of boys.

8. 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.

## Consideration of proposed variation

9. The school was formerly a single sex girls school known as Our Lady's Catholic Girls School. I am informed that there are fewer secondary aged pupils in the local area and that the impact of this had been evident at Our Lady's Catholic Girls' School for several years, affecting the school's finances and long term sustainability. It is said that the school had carefully considered both future income and expenditure in light of the projected fall in roll numbers, and developed a medium term financial plan proposing co-education. The governing board carried out a consultation for four weeks during the period 26 April - 26 May 2023. On the basis of the responses received during the consultation period, a decision was made to issue a statutory notice which was published as required during the period 9 June 2023 to 7 July 2023. During this period no representations were received. The local authority therefore approved the proposal for the school to become coeducational on 24 July 2023. The approval was said to be subject to formal approval from the Archbishop of the Roman Catholic Diocese of Westminster and the Schools' Adjudicator. Both approvals have been given.

10. The local authority considers that increasing the demand for places by changing from a single sex girls' school to a coeducational school could increase the number of pupils who choose to attend the school. This could help the school to continue to operate within their funding allocations over the medium to long term. The school currently has a published admission number (PAN) of 120 which will not be revised. The change will be implemented over time, with boys joining the school in Year 7 as they move from primary education. The first intake of boys will be in September 2024. Sixth form provision will continue as coeducational provision.

11. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. However, those who might be affected by the variation will have had the opportunity to express their views during the consultation on the proposal that the school should become coeducational.

12. The governing board has identified a major change of circumstances which has arisen since the arrangements were determined. The proposed variations to the arrangements, which were sent to me on 16 August 2023, are justified and necessary in light of the school's intention to admit boys as well as girls in September 2024. I find that the variation is justified by the change in circumstances and approve the proposed variation.

## Determination

13. 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 Our Lady's Catholic High School for Our Lady's Catholic High School for September 2024.

14. I determine that the admission arrangements for September 2024 be revised where necessary in order to enable boys to be admitted.

Dated: 22 August 2023

Signed:

Schools adjudicator: Dr Marisa Vallely