



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2429

Admission authority: The governing body of Knightlow Church of England Primary School, Stretton-on-Dunsmore in the local authority area of Warwickshire County Council

Date of decision: 25 June 2024

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by the governing body for Knightlow Church of England Primary School for September 2023, September 2024 and September 2025.

I determine that the admission arrangements, including the supplementary information form, shall be amended to reflect the closure of the Inter Faith Network.

I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with 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.

The referral

1. The governing body of Knightlow Church of England Primary School (the school) has referred a proposal for variations to the admission arrangements for September 2023, September 2024 and September 2025 (the arrangements) for the school to the adjudicator. The school is a Church of England voluntary aided school for children aged four to eleven in Stretton-on-Dunsmore in Warwickshire and the local authority area of Warwickshire County Council (the local authority). The religious authority for the school is the Diocese of Coventry (the diocese).

2. The proposed variations are for the removal of references to the Inter Faith Network from the oversubscription criteria and the relevant part of the supplementary information form (SIF) for the 2023, 2024 and 2025 admission arrangements. This would require the removal of paragraphs four and eight from the oversubscription criteria in the arrangements and the amendment of the SIF.

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 body has provided me with confirmation that the appropriate bodies have been notified. I find that the appropriate procedures were followed, and I am satisfied that the proposed variations are within my jurisdiction. I am also satisfied that it is within my jurisdiction to consider the determined arrangements in accordance with my power under section 88I of the Act as they have come to my attention and determine whether or not they conform with the requirements relating to admissions and if not in what ways they do not so conform.

5. In considering these matters, 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 body dated 26 April 2024, supporting documents and further information provided at my request;
- b. the determined arrangements for 2023, 2024 and 2025 and the proposed variations to those arrangements;

- c. comments on the proposed variations from the school, local authority and the diocese; and
- d. information available on the websites of the local authority, the school, the diocese, the Inter Faith Network and the Department for Education.

The proposed variations

7. The governing body of the school has requested the following variations:

“For the 2025/26 admissions policy, the removal of over-subscription criteria 4 & 8 which relate to Practicing Members of other Faiths who are members of the Inter Faith Network, and the removal of the Practicing Members of Other faiths part of the Supplementary Information Form. Practicing members of other faiths will now be considered under oversubscription criteria 5 & 10 which relates to Other Children.

For the 2024/25 admissions policy, the removal of over-subscription criteria 4 & 8 which relate to Practicing Members of other Faiths who are members of the Inter Faith Network, and the removal of the Practicing Members of Other faiths part of the Supplementary Information Form. Practicing members of other faiths will now be considered under oversubscription criteria 5 & 10 which relates to Other Children.

For the 2023/24 admissions policy, the removal of over-subscription criteria 4 & 8 which relate to Practicing Members of other Faiths who are members of the Inter Faith Network, and the removal of the Practicing Members of Other faiths part of the Supplementary Information Form. Practicing members of other faiths will now be considered under oversubscription criteria 5 & 10 which relates to Other Children.”

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 variations requested are justified by the change in circumstances.

Consideration of proposed variation

9. The governing body has requested the variations to remove criteria four and eight from its oversubscription criteria as these refer to the Inter Faith Network, as does the relevant part of the supplementary information form relating to faith criteria.

10. Within its oversubscription criteria, the arrangements for 2023, 2024 and 2025 state:

“4. Practicing (sic) Members of Other Faiths

Those children from within the priority area where a parent is a regular practising member of another major world faith: Buddhist, Hindu, Islamic, Jewish and Sikh organisations that is a full member of The Inter Faith Network for the UK. Regular is

defined as monthly attendance at a place of worship for a period of 6 months prior to the application. **Evidence of this must be provided on the Supplementary Information Form (SIF) signed by the relevant faith leader (see Appendix A).**

8. Practising Members of Other Faiths

Those children from outside the priority area where a parent is a regular practising member of another major world faith, Buddhist, Hindu, Islamic, Jewish and Sikh organisations that is a full member of The Inter Faith Network for the UK. Regular is defined as monthly attendance at a place of worship for a period of 6 months prior to the application. **Evidence of this must be provided on the Supplementary Information Form (SIF) signed by the relevant faith leader (see Appendix A)."**

11. The Interfaith Network was a UK based charity founded to promote understanding, cooperation and good relations between organisations and persons of different faiths in the UK.

12. On 22 February 2024, The Interfaith Network issued a press release confirming that the charity would be closing on 30 April 2024 due to a withdrawal of government funding.

13. As a consequence of this, the oversubscription criteria referencing membership of the Inter Faith Network have become redundant and the governing body will be unable to offer places in the same way as before.

14. The governing body has proposed that they remove criteria four and eight from the arrangements and delete the relevant elements within the SIF.

15. The diocese confirmed that it fully supports the variation request.

16. Given that The Interfaith Network has closed, it is appropriate that the criteria relating to the organisation be removed from the arrangements for 2023, 2024 and 2025 and that the SIF be amended to reflect the change.

17. I find that the variation is justified by the circumstances and approve the proposed variation for the current 2023-2024 arrangements and for the arrangements for September 2024 and 2025.

Consideration of the arrangements

18. Having considered the arrangements, it appeared to me that the following matters may not conform with requirements of the Code and so I brought them to the attention of the governing body. I have listed these matters below setting out the relevant paragraphs of the Code and where the arrangements did not conform to requirements.

19. Paragraph four of the introduction section of the arrangements states that:

“The governing body reviews and publishes information concerning the school’s admission policy. This confirms the maximum number of children to be admitted to the school as a whole, the Published Admissions Number (PAN), which is currently 30 for Reception and the school will take up to 32 in Key Stage 2, and explains how places will be allocated.”

20. Paragraph 1.4 of the Code states:

“The PAN only applies to the relevant age group. This means that admission authorities may not refuse admission to other age groups on the grounds that they have already reached their PAN. They may, however, refuse admission where the admission of another child would prejudice the provision of efficient education or efficient use of resources.”

21. The arrangements do not make it clear that the PAN applies only to the relevant year group, which in the case of the school is reception year (YR). This is, therefore, in contravention of paragraph 1.4 of the Code.

22. Nor do the arrangements explain the reasons for the difference between the number of children that will be admitted into Key Stage 1 (KS1) and the higher number of children (32) who may be admitted in Key Stage 2 (KS2). In order to provide the clarity required by the Code at paragraph 14, it would be helpful for parents for the arrangements to set out that KS1 classes are subject to the Infant Class Size Regulations (England) 2012 which limit the number of children in an infant class (YR, Year 1 and Year 2) to 30 with a single qualified teacher. These Regulations do not apply to KS2, hence why the school can admit over 30 to those year groups.

23. 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.”

24. The same paragraph of the arrangements (as above) refers to ‘the maximum number of children to be admitted to the school.’ This number is known as the ‘net capacity’ for the school and is calculated using a national Department for Education formula. There is no requirement in the Code to state this number, but to refer to it and then not actually state that the number referred to is the net capacity for the school is unclear for parents and therefore in contravention of paragraph 14 of the Code.

25. The diocese, on behalf of the school, has confirmed that this paragraph will be revised in line with my determination, which I welcome.

26. In paragraph three of the arrangements under the heading of ‘The Application Process’ it states:

“All applications by Warwickshire residents, whether for Reception or for in-year admissions, should be made only at www.warwickshire.gov.uk/admissions. The online application system is managed by the Local Authority which processes all admissions to schools in Warwickshire.”

27. Paragraph 15d) of the Code states:

“In the normal admission round parents apply to the local authority in which they live for places at their preferred schools. Parents are able to express a preference for a least three schools. The application can include schools outside the local authority where the child lives: a parent can apply for a place for their child at any state-funded school in any area.”

28. While the arrangements give clear guidance for parents living in Warwickshire on how to apply for the school, there is no mention of the right of parents living anywhere else to apply for a place at the school or that they need to do so via their home local authority (as set out above). The arrangements are not clear for parents applying from outside the local authority area and are therefore, in breach of paragraph 14 of the Code.

29. The diocese has confirmed that they will work with the school to rectify this point, which I welcome.

30. Paragraph four of the section on waiting lists states that: “The waiting list will close at the end of the autumn term.”

31. Paragraph 2.15 of the Code states that:

Each admission authority **must** maintain a clear, fair, and objective waiting list until at least **31 December** of each school year of admissions, stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria.”

32. The date until which waiting lists must be maintained is 31 December (paragraph 2.15 of the Code above). Parents are likely to consider the end of term to be the date on which the school breaks up for the Christmas holiday and the date for closure of the waiting list is not in accordance with paragraph 2.15.

33. The diocese has confirmed that they will work with the school to revise this point in line with my determination, which I welcome.

34. Under the home address section, the arrangements state that:

“The address for admission purposes is the place where the child is permanently resident with his or her parent or parents or legal guardian(s) on 28th February of the year of application.”

35. It is unclear as to why the date of 28 February is used. This is the deadline by which admission arrangements must be determined each year by the admission authority but has no relation to the parental application process. The application deadline for primary schools is 15 January in the year of admission. In the absence of any rationale for the named date, this provision is unreasonable.

36. The diocese has confirmed that they will work with the school to correct this in line with my determination, which I welcome.

37. Paragraph 14 of the Code requires that parents should be able to easily understand, from the arrangements, how places for the school will be allocated. Paragraph 1.14 states, as far as is relevant here, "Catchment areas must be designed so that they are reasonable and clearly defined". The arrangements list the parishes which form the catchment area; there is no further information regarding these parishes or how parents may view their boundaries. I find that this is not sufficiently clear in that parents may not know whether a specific road or property is within these parishes and therefore within the catchment area of the school. In this respect the arrangements are unclear and must be revised.

38. For the sake of completeness, I note that when I raised this matter with the parties in the case the diocese stated, "I have suggested to the school that they may wish to include a map to illustrate the parish boundaries. This removes the need for parents to 'look elsewhere'." The diocese also referenced the local authority's online tool for priority areas for schools within their area, noting that this does not comply with the Code as found by an adjudicator in a previous determination (VAR2396) and seemingly not yet revised. I must stress that it is the responsibility of the governing body of the school, as the admission authority, to ensure that the arrangements comply with the Code. The governing body must ensure that the catchment area is clear and easily understood and it is for them to decide what their approach to this will be.

39. Under the description of how distance is measured in the arrangements it states that:

"Distance will be automatically calculated by the local authority using the straight-line measurement from the applicant's home address location to the centre point ('centroid') of the preferred school."

40. Paragraph 14 of the Code requires 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 clear (as above). The use of the term 'centroid' is not clear for parents as required in the Code at paragraph 14. While this is a term also used by the local authority in its own admissions arrangements, it is one that was not familiar to me as an adjudicator and is likely to also be unfamiliar and unclear to parents, thereby not complying with the requirements of paragraph 14 of the Code.

41. The diocese has noted this point and confirmed that the school will update the arrangements in line with my determination, which I welcome.

42. In the same paragraph, the arrangements state that “If two or more children with the same priority for admission live an indistinguishable distance from the school, but cannot both be admitted, then the available places will be decided by a lottery.”

43. Paragraph 1.8 of the Code states that “Admissions authorities **must** include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated.” Further detail is needed for the arrangements to be explicit as to how the lottery will operate and by whom it will be overseen (usually somebody independent of the school) in order to comply with both paragraphs 1.8 and 14 of the Code.

44. The arrangements state, in the paragraph relating to in-year admissions: “If the number of children already admitted to the appropriate year group is lower than the published admission number, a place will be offered.”

45. Paragraph 1.4 of the Code (as above) makes it clear that the PAN applies only to the relevant year group, in this case YR. Since this paragraph suggests that the PAN applies to year groups other than the relevant year group, it is inconsistent with paragraph 1.4 of the Code.

46. Some of the terminology within the arrangements is not in accordance with the Code, and I note particularly: references to “admissions criteria” rather than “oversubscription criteria” as set out in the Code at paragraph 1.7. The use of references which are incorrect and the use of differing terminology for the same thing make the arrangements confusing and unclear and therefore in breach of paragraph 14 of the Code.

47. The arrangements also state: “No admission will be made to an infant class, where the regulatory class size limit of 30 children would be breached by doing so, unless the admission complies with the exceptions outlined above.” It is unclear where ‘the exceptions outlined above’ are found within the arrangements and this provision is therefore unclear for parents and in contravention of paragraph 14 of the Code (as above).

48. The diocese, on behalf of the governing body, has confirmed that they will address all the matters that I have raised under 88I as permitted by paragraph 3.6 of the Code, which is welcomed. As the governing body has accepted that changes are required, I will not discuss them further other than to make clear that the Code requires that the arrangements be amended to address the points set out above.

Determination

49. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by the governing body for Knightlow Church of England Primary School for September 2023, September 2024 and September 2025.

50. I determine that the admission arrangements, including the supplementary information form, shall be amended to reflect the closure of the Inter Faith Network.

51. I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

52. 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.

Dated: 25/06/2024

Signed:

Schools adjudicator: Mrs Tess Gale