



Office of
the Schools
Adjudicator

Determination

Case reference:	ADA4328
Objector:	Member of the public
Admission authority:	The governing board of St Bede's Catholic High School, Ormskirk
Date of decision:	29 August 2024

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2025 determined by the governing board for St Bede's Catholic High School, Ormskirk.

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 13 September 2024.

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 an appeal panel member (the objector), about the admission arrangements (the arrangements) for St Bede's Catholic High School (SBCHS or the school), a voluntary aided secondary school for 11 to 16 year olds, for September 2025.
2. The objector has raised the concern that the school using distance to prioritise

admission is not fair to the admission of Catholic children, particularly to those living in rural areas.

3. The local authority (LA) for the area in which the school is located is Lancashire County Council. The LA is a party to this objection. Other parties to the objection are the objector, the school, and The Archdiocese of Liverpool (the archdiocese), which is the religious authority for the school.

Jurisdiction

4. The admission 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 7 May 2024. 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. The objector has made suggestions as to how the arrangements for 2025/26 could be changed to make them, in their view, 'fairer'. As an adjudicator, my role is to consider Code compliance issues; it is not to give advice. My jurisdiction is to consider the arrangements as they are set out and not how they could be. I cannot, therefore, advise on any of the examples and suggestions made.

7. I have also used my power under section 88I of the Act to consider the arrangements as a whole and to determine whether or not they conform with the requirements relating to admissions and, if not, in what ways they do not so conform. I will refer to these as 'Other Matters' and these are covered in the sections of the determination under that name.

Procedure

8. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).

9. 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;
- c. the objector's form of objection;
- d. the responses of the school, LA, and archdiocese to the objection, along with supporting documents;
- e. the LA's online composite prospectus for admissions to secondary schools;
- f. Google Maps;

- g. information available on the websites of the school, trust, LA, the Department for Education (DfE – particularly the ‘Get Information About Schools’ (GIAS) site) and Ofsted;
- h. a copy of the guidance on admissions provided to the school by the faith body; and
- i. two previous determinations for the school (case reference numbers ADA001426 and ADA001460 (both 2008)).

10. I note here that, in respect of me having had sight of previous determinations for the school, those determinations do not set precedents. I have considered the arrangements on their merits against the requirements set out in legislation and the Code and in the light of the facts and circumstances as they are now.

The Objection

11. About the concern raised, the objector said that:

“The distance tiebreak is a blunt instrument and takes no account of the geography of the area or transport links. The school is in the town with the rural areas in catchment further away. However[,] being in a town gives families other school options. For example, for [sic] children living in Ormskirk and Aughton, there is a reliable train service every 15 minutes which takes 12 minutes from Ormskirk (less from Aughton) to Maghull. The Catholic High School in Maghull is very close to the station. For children living in Parbold, the other Catholic High schools are not reasonably accessible by public transport. The dedicated school bus is a key factor in making St Bede’s accessible and is not provided to any other Catholic High School. The situation is similar for children living in Scarisbrick, though they are closer to St Bede’s.

This is an issue for other families living in areas where there are not enough places to provide a place for every child in catchment and those furthest away lose out with a distance tiebreak [...]”

12. In the form of objection, the objector has headlined her concern as relating to the ‘distance tie-break’. A ‘tie-break’ is defined under paragraph 1.8 of the Code as a method employed “to decide between two applications that cannot otherwise be separated”. In respect of the school’s arrangements, a method of breaking a tie would only be engaged to determine priority if there was oversubscription in a category and where two or more distances were the same. However, the narrative of the objection is wholly focussed on the disadvantage the objector perceives will be caused by using home to school distance to prioritise admission in 2025. I intend, therefore, to focus on the use of the distance measure in my consideration of the objection. In respect of the tie-break in the arrangements, I have brought a matter to the school’s attention under section 88I of the Act in the ‘Other Matters’

section of this determination. These will be for the governing body, as the admission authority, to address by the deadline set out in this determination.

13. In later correspondence, the objector clarified her concern that employing distance to prioritise admission is not fair to those Catholic children living in rural areas around Ormskirk as they will be less likely to be offered places at the school under oversubscription criterion 2.

14. The following paragraphs of the Code are relevant to the objection:

- 14 (part): “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 [...]”
- 1.8 (part): “Oversubscription criteria **must** be reasonable [...] Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group [...]”.
- 1.13 (part): “Admission authorities **must** clearly set out how distance from home to the school and/or any nodal points used in the arrangements will be measured. This **must** include making clear how the ‘home’ address will be determined and the point(s) in the school or nodal points from which all distances will be measured.”
- 1.38 (part): “Admission authorities for schools designated as having a religious character **must** have regard to any guidance from the body or person representing the religion or religious denomination when constructing faith-based admission arrangements, to the extent that the guidance complies with the mandatory provisions and guidelines of this Code [...]”

15. About the concern raised, I make the following point. All admission arrangements create advantage for some applicants and disadvantage to others; indeed, that is their purpose. However, any disadvantage would have to be unfair to be contrary to the Code. To test the fairness of the use of the home to school distance measure to prioritise admission, I will first consider whether that use is reasonable. Only if found to be reasonable will I then consider whether the arrangements operate fairly. I will say more about how I will go about testing ‘reasonableness’ and ‘fairness’ at the relevant point in the determination.

Other Matters

16. The aspects of the arrangements which I identified as not or possibly not conforming with the requirements relating to admissions have been identified in detail towards the end of this determination.

17. In summary, I note here that I raised the following matters in respect of the arrangements: the section covering how a tie would be broken, and the explanation of how random allocation will work therein, do not meet requirements; the use of out-of-date terminology; that the clarity of the arrangements could be improved, amongst other things, by not repeating information on the right to an independent appeal and in respect of aspects of the arrangements covering in-year admissions; there being a lack of a clear explanation for parents wishing to apply for a place for their child(ren) out of their chronological age group; and presenting the right to withdraw the offer of a place upon receipt of a fraudulent application as being an absolute.

Background

18. According to GIAS, the school is a non-selective and co-educational secondary school of Roman Catholic religious character. It is situated in Ormskirk, a market town in West Lancashire, approximately 13 miles north of Liverpool.

19. The last Ofsted inspection in June 2022 resulted in an overall effectiveness grade of 'Requires Improvement'.

20. The published admission number (PAN) for Year 7 is 140.

21. The arrangements set out that children with Education, Health and Care Plans (EHCPs) will be admitted first. Then, in times when oversubscribed, children will be prioritised according to the oversubscription criteria. These can be summarised as follows:

1. Looked after children and previously looked after children.
2. Baptised Catholic children resident in the parishes of St Anne's, Ormskirk; St Mary's, Aughton; St Elizabeth's Scarisbrick; Our Lady's, Parbold and St John's, Burscough.
3. Baptised Catholic children who have a sibling in the school at the time of admission.
4. Other baptised Catholic children.
5. Other children who have a sibling in the school at the time of admission.
6. Children attending one of the following Catholic Primary Schools in the parishes named in criterion 2 above: Our Lady & All Saints, Parbold; St John's, Burscough; St Anne's, Ormskirk; St Mary's Scarisbrick.
7. Children from other Christian denominations.
8. Children of other faiths.
9. Other children.

Where there are more applicants for the available places within a category, the arrangements state that distance from home to school will be used to prioritise admission.

22. SBCHS provided me with the number of children in each year group in the school (June and September 2024) and. I have put that data into Table 1.

Table 1: Number of children in each year group (June and September 2024)

2024	Year 7	Year 8	Year 9	Year 10	Year 11	TOTAL
June	145	141	143	142	137	708
September	142	147	141	143	142	715

Consideration of Case

23. When considering the disadvantage that the objector asserts is caused by the use of the home to school distance measure, I will consider the reasonableness and fairness of that aspect of the school's arrangements (namely oversubscription criterion 2). I will adopt a two-stage approach: first, I will assess whether the use of the home to school distance measure is reasonable. If I find that it is unreasonable, it would be non-compliant with the Code and I would not need to proceed to the second stage. If the use of the home to school distance measure is found to be reasonable, I will go on to look whether its effect on admissions is fair.

24. The Code uses the term 'reasonable' but does not define it. An everyday definition is of having sound judgement; being sensible and rational. It is the requirement of public bodies, including admission authorities, that they must act reasonably in adopting any policy or making any decision. The test I will apply to reach a conclusion on this aspect of the objection, therefore, is whether the use of the home to school distance measure is one which a reasonable admission authority acting rationally and taking into account all relevant factors and no irrelevant factors would choose (the 'reasonableness test'). This is an objective test. It will be necessary to consider the rationale for adopting it (Part 1 of the test) and the effect of its practical operation (Part 2). Part 1 follows.

25. The Code makes provision, under paragraph 1.13, for admission authorities to use the distance from home to school to prioritise admission, as long as the arrangements "include making clear how the 'home' address will be determined and the point(s) in the school or nodal points from which all distances will be measured". In the arrangements, it states:

- As part of the section covering the oversubscription criteria: "[...] the distance between the Ordnance Survey address points for the school and the home measured in a straight line will be used as the final determining factor, nearer addresses having priority over more distant ones. This address point is within the body of the property and usually located at its centre. [...]"

- Section e. of the 'Notes section: "Home address is considered to be the address where the child normally lives. Applicants should not state a childminder's or other relative's address. It may be necessary to carry out checks to confirm addresses given are genuine and parents may therefore be asked to provide documentary evidence of their child's home address."

26. I am satisfied that the description of how the two points (school and home) will be determined for calculating distance measurements is adequate and meets the requirement under paragraph 1.13 of the Code. However, and I raise this point under section 88I of the Act, although an attempt has been made to set out how the home address is determined it does not conform with requirements under paragraph 1.13 which states:

"This should include 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."

27. The governing body will, along with all of the matters I have raised under section 88I of the Act (as set out in the 'Other Matters' sections of this determination), have to address this oversight. However, although it is my view that the arrangements do not meet this requirement, I stress that this does not make the use of the home to school distance measurement unreasonable.

28. In the form of objection, the objector expressed concern that the school has not followed the archdiocesan model school policy in terms of the order of its oversubscription criteria and that this underpinned the concern raised. She stated:

"There has been, and is, significant house building in the area and the school has also become increasing popular. The number of Catholic children applying has risen over recent years. The Archdiocesan model admissions policy has the following oversubscription criteria:

Criteria 1 Looked After Children/ Previously Looked After Children etc

Criteria 2 Baptised Catholic children with a sibling at the school

Criteria 3 Baptised Catholic children living in one of the parishes served by the school.

In recent years, presumably due to the increase in Catholic children within their parishes, St Bede's changed their admissions policy to give more priority to Catholics living within their parishes ie switching criteria 2 and 3. The tie breaker is home to school distance."

I restate here that the use of 'tie-breaker' by the objector is not the correct use of the term.

29. About guidance produced by the faith body, paragraph 1.38 of the Code states:

“Admission authorities for schools designated as having a religious character **must** have regard to any guidance from the body or person representing the religion or religious denomination when constructing faith-based admission arrangements, to the extent that the guidance complies with the mandatory provisions and guidelines of this Code.”

30. The Code does not require that an admission authority has to follow the guidance produced by the faith body, but that it has to ‘have regard’ to it. ‘Having regard’ is not defined in the Code, though case law sets out that governing bodies must take the guidance of their faith body into account when determining their arrangements and if they decide to depart from it, they must have and give clear reasons for doing so. I asked the school whether it has had regard to the archdiocesan guidance and what its reasons were for deviating from it. It told me that:

“We follow the model policy as set out by the Archdiocese of Liverpool, other than in the admission criteria points 2 and 3. The Governors of the school made the decision to prioritise children living in the parishes of St Annes, Ormskirk, St Mary’s, Aughton, St Elizabeth’s Scarisbrick[,] Our Lady’s, Parbold and St John’s Burscough over Baptised Catholic Children who have a sibling in the school at the time of admission. This was due to the fact that there were examples of children living in our feeder Parishes not gaining access to the school while [some] outside of these Parishes were being given places. An example would be children in Maghull, Sefton, being given places over children in our feeder Parishes. Changing the admission criteria, following consultation, has prevented this from happening further.”

31. The response demonstrates that the school set out to deviate from the archdiocesan guidance in order that it might put right something it deemed to be unfair in the admissions process. It says that the change was made as a result of the process of consultation.

32. About this issue, the archdiocese responded by saying that:

“The Governing Board of the school asked the Archdiocese to consider a proposal to amend the model policy and for which consultation took place in autumn 2018. The agreed policy for September 2020 was then determined following the consultation.

The Archdiocese agreed with the Governing Board that the local context, under the previous policy, may have made it more likely for siblings living outside parish boundaries to secure places before those living within parish boundaries, because they had a sibling at the school. A key consideration for the Archdiocese is to ensure that priority is given to Catholics, within parish boundaries who seek a place. When there is more demand for places available then a suitable tie break should be shared and maintained which we have done.”

33. In later correspondence, the objector stated:

“I know of no other High School in the Diocese that has done this. All the other schools have been able to offer places to all who want them who are in criteria 2 or 3 ie parish [C]atholics and [C]atholics with a sibling in the school. The longstanding intention of the Catholic Church in England is that there is a place in a Catholic school for every Catholic child that wants one.”

34. It is not the case that because SBCHS has deviated from the archdiocesan guidance in this one way and no other school has done so that the school will be causing disadvantage to Catholic children. In fact, it could be argued that by swapping oversubscription criteria 2 and 3 round, the school has actually placed a higher priority on Catholic children being admitted to the school (who do not have a sibling already on roll).

35. I am persuaded that the reason provided by the school for deviating from the archdiocesan guidance in respect of oversubscription criteria 2 and 3 is clear and persuasive. I do not consider that reason to be irrational.

36. In respect of Part 1 of the ‘reasonableness test’, I find that the Code allows for the use of home to school distance to prioritise admission. The school has met most of the requirements in respect of the use of such in its arrangements; one area where it has not met the requirements is easily rectified and does not render the use of home to school distance to prioritise admission irrational. The school has provided me with a clear and persuasive reason for it not following the archdiocesan guidance in respect of oversubscription criteria 2 and 3 and the archdiocese has told me that it is supportive of the reason for the decision taken by the school in that regard. I note that the LA has not raised any concerns in respect of the matters covered in this part of the ‘reasonableness test’. I determine that the use of home to school distance meets Part 1 of that test.

37. Turning now to Part 2 of the test of reasonableness, I intend to look at the effect of the practical operation of the arrangements in respect of the concern raised by the objector and in the context of my findings in Part 1 of the test.

38. As I outlined earlier, the objector is of the view that the use of the home to school distance measurement will have the effect of causing disadvantage to Catholic children in rural areas. About this, the objector stated:

“Last year, the school was not able to offer places to all Catholic children living in their parish area. I understand from speaking to the Headteacher that this is likely to occur again. The children affected lived in Parbold. Children living in Parbold are traditionally served by three high schools – St Bede’s RC (in Ormskirk), Bishop Rawstorne’s CoE (in Croston) and Burscough Priory (in Burscough). Each school has a bus service for their pupils living in Parbold. Parbold is a rural village with poor public transport.”

39. The objector is particularly concerned about Catholic children from Parbold. I have taken this area to be the ‘social group’ that the objector identifies is disadvantaged unfairly (under paragraph 1.8 of the Code). For the avoidance of doubt, the objector did not identify

any disadvantaged racial group on the form of objection. Google Maps shows Parbold is a village located 5.53 miles (straight line distance) or 7.2 miles (by the most direct driving route) to the east-north-east of the school's location in Ormskirk. The school is on the opposite side of Ormskirk to Parbold, though they are linked directly by the A59.

40. About this, the school told me that:

“Changing criteria 2 and 3 around would lead to families with siblings in the school getting a place over anyone living within the Parishes. This does not seem appropriate when we should be looking to serve the children residing within the Parishes within which we serve. A child living in Parbold, would get a place in the school under the current criteria.”

41. The objection concerns the 2025 arrangements. As those arrangements have not yet been implemented, it will only be possible to look at the effect of the arrangements from previous and current arrangements that have. The objector has not provided any data to evidence her concerns. I asked the school and the LA to provide data to help me assess whether the objector's concerns are valid. I note that the only time home to school distance would be employed is when there is oversubscription. As the arrangements do not place limits on the numbers admitted under each of the oversubscription criteria, in order for the home to school distance measure to be employed the number of admissions would need to reach the PAN under oversubscription criterion 2. Therefore, I first sought to ascertain whether the school is oversubscribed and, if so, under which of the oversubscription criteria the PAN was reached in previous years and for 2024. The LA provided me with admissions data from 2021/22 to 2024/25. I have put that data into Table 2.

Table 2: Admission data for the school from 2021/22 to 2024/25

Numbers admitted (2021/22 to 2023/24) and offered (2024/25)	2021/22	2022/23	2023/24	2024/25
EHCP	0	3	2	1
Oversubscription Criterion 1 (Looked after children or previously looked after children)	4	0	4	2
Oversubscription Criterion 2 (Baptised Catholic children resident in the parishes of St Anne's, Ormskirk; St Mary's, Aughton; St Elizabeth's Scarisbrick; Our Lady's, Parbold and St John's, Burscough)	115	99	137	125
Oversubscription Criterion 3 (Baptised Catholic children who have a sibling in the school at the time of admission)	8	14	2	7
Oversubscription Criterion 4 (Other baptised Catholic children)	15	27	0	5
Oversubscription Criterion 5 (Other children who have a sibling in the school at the time of admission)	0	0	0	0
Oversubscription Criterion 6	0	0	0	0

Numbers admitted (2021/22 to 2023/24) and offered (2024/25)	2021/22	2022/23	2023/24	2024/25
(Children attending one of the following Catholic Primary Schools in the parishes named in criterion 2)				
Oversubscription Criterion 7 (Children from other Christian denominations)	0	0	0	0
Oversubscription Criterion 8 (Children of other faiths)	0	0	0	0
Oversubscription Criterion 9 (Other children)	0	0	0	0
Total admitted / offered	142	143	145	140
PAN	140	140	140	140
Number of preferences expressed for places at the school	538	488	501	456
Percentage of children admitted under oversubscription criterion 2	81.0	69.2	94.5	89.3

42. The data in Table 2 show that the school has been oversubscribed between 2021/22 and 2024/25 (as shown by the number of preferences expressed for places at the school). Most children are admitted under oversubscription criterion 2 (between 81 and 94.5 per cent of children admitted). These figures show the numbers admitted to the school in September. In each year children were admitted down to oversubscription criterion 3. The school provided data showing admissions on National Offer Day (NOD), that is 1 March in each admission year. In every year except 2023/24 PAN was reached in oversubscription criterion 3. In 2023/24 PAN was reached in oversubscription criterion 2. This may have led to distance being applied in oversubscription criterion 2 in that year. That year is the exception. In all other years all applicants falling within oversubscription criterion 2 were admitted before PAN was reached and no distance measurement was applied in those years. The LA told me that:

“In the recent admissions round, the last pupil admitted to the school in Category [oversubscription criterion] 2 resided in Rufford. All pupils resident in Parbold were admitted.”

43. In later correspondence, the objector stated:

“The Diocese model policy has a distance tiebreak and I agree with the Diocese response that it works fine well when it is used in the lower oversubscription criteria. However when a tiebreak has to be used in criteria 2, it means that some children do not get a place at their catchment parish high school. The distance tiebreak is a blunt instrument and takes no account of any other factors just distance. The Diocese and SCBHS have recognised the increasing popularity of the school and shown flexibility in moving from the model policy in 2020 to take account of the very unusual situation which has developed further since the change in 2020. There are other options that could be considered for the tiebreak which would meet the requirements of the Admissions Code. I realise this would be difficult for families for whom the current tie

break means virtual certainty of a place if in criteria 2. However the current situation, in my view is unfair to those families who live furthest from the school (in Parbold), who have a real and unquantifiable risk of not getting a place for their child.”

44. In concluding the ‘reasonableness test’, I do not see evidence in the data presented that the concern raised will affect the practical operation of the arrangements in the way that the objector asserts. Paragraph 1.10 of the Code allows an admission authority to, “decide which criteria would be most suitable to the school according to the local circumstances”. In my view, the Code makes provision for the use of home to school distance measurements to be used to prioritise admission. Data for 2021/22 to 2024/25 show that, save for 2023/24 at NOD, the home to school distance measurement has not had to be used to determine admission under oversubscription criterion 2. I determine that the arrangements in this regard meet the reasonableness test and therefore conform to those parts of paragraph 1.8 of the Code which require the oversubscription criteria in the arrangements to be reasonable.

45. I have found the arrangements, by way of the use of the home to school distance measurement, to be reasonable, and therefore now go on to consider the second stage – the fairness of this part of the arrangements. Fairness is a concept, not unlike being ‘reasonable’, that is used in the Code but is not defined. Fairness can be described as a ‘protean concept’, in that it cannot be defined in universal terms, but its requirements will depend on the circumstances. Fairness is focussed on the effect of the arrangements on any relevant group. I re-stress here that oversubscription criteria create advantage for some applicants and disadvantage to others. In relation to admission arrangements, fairness is often best evaluated by undertaking a balancing exercise, weighing the advantage said to accrue to children who would be offered places (or afforded a high priority for places) at the school in consequence of the arrangements, against any disadvantage caused to any other relevant group of children who would not be offered places (or would not be afforded a high priority for places). Unfairness can be found when the disadvantage is considered to outweigh the advantage. In this context, the disadvantage to assess is to those Catholic applicants in Parbold who might not get a place at the school under oversubscription criterion 2 should the PAN be reached under that criterion and home to school distance be employed. I will assess fairness in terms of the scale of the disadvantage, the options – in terms of other schools (including Catholic schools) – available for parents of Catholic children from Parbold and whether the change affects the LA’s ability to fulfil its duty to provide a sufficiency of school places in the area.

46. The data used to test for reasonableness can also be employed in the test for fairness. The data considered earlier from Table 2 show that the home to school distance measurement has not, save in 2023/24 at NOD, had to be employed by the school for admission under oversubscription criterion 2 and that every Catholic applicant under that criterion has been offered a place, including from Parbold. It also cannot be overlooked that oversubscription criterion 2 is not the only one of the oversubscription criteria under which children from Parbold can be offered places (for example, siblings can be offered places under criterion 3), though the LA told me that every Catholic child who has applied from

Parbold in the years covered by the data in Table 2 who meets the criteria for oversubscription criterion 2 has been admitted under it. There are a small minority of children from Parbold who have applied for the school and who have not been offered places (that would not have met the criteria for admission under oversubscription criterion 2). In the period covered by the data in Table 2, that applies to 21 children. The LA told me that all of those children were admitted to / offered places at other schools in the area, as shown in Table 3.

Table 3: Schools children from Parbold who were not admitted to / offered places at the SBCHS were admitted to / offered places at between 2021/22 and 2024/25

Year	Number of children	Schools admitted to / offered places at
2021/22	9	3 x Bishop Rawstorne Church of England Academy – their first preference. 6 x Burscough Priory Academy – their first preference.
2022/23	2	2 x Burscough Priory Academy – their first preference.
2023/24	4	1 x Burscough Priory Academy – their second preference (SBCHS was not the first preference school). 2 x Burscough Priory Academy – their first preference. 1 x Bishop Rawstorne Church of England Academy – their first preference.
2024/25	6	1 x St Peter's RC High School in Orrell – first preference. 1 x Scarisbrick Hall School – independent school. 3 x Burscough Priory Academy – their first preference. 1 x Bishop Rawstorne Church of England Academy – their first preference.

47. It is clear from Table 3 that no child from Parbold (who was not admitted to / offered a place at SBCHS) were placed at any disadvantage; all received their first, or higher preference school.

At my request, the LA provided data showing the projections for demand for places in Year 7 in the eight secondary schools that make up the West Lancashire Secondary Planning Area (WLSPA) (of which SBCHS is one). The seven other schools are (with straight line distance from the postcode of the location of SBCHS in miles in brackets after each taken from the DfE's GIAS website): Ormskirk School (1.14); Burscough Priory Academy (3.27); Lathom High School (4.18); Our Lady Queen of Peace Catholic Engineering College (4.19); Maharishi Free School (all through school) (4.58); Up Holland High School (7.56); and Tarleton Academy (8.82). The total amount of spaces in Year 7 in all schools is 1239. Table 4 shows the projected demand and resulting number of surplus places in each of the next three years. Ormskirk School is the only other secondary school in Ormskirk. It is a co-educational, non-selective school for 11 to 18 year olds without a religious character. It is an academy converter (2022) and as such has no current Ofsted judgement (though its predecessor school was graded 'Inadequate' by Ofsted in 2019). It is part of the Endeavour Learning Trust.

Table 4: Projected demand for places and surplus places in Year 7 in schools in the WLSPA between 2025/26 and 2027/28

Year	Projected demand for places	Surplus from total number of places (1239)
2025/26	1105	134
2026/27	1171	68
2027/28	1112	127

48. The data show that there are a large number of surplus places in schools in the WLSPA. Other than Ormskirk School and Up Holland High School (no data available) and Our Lady Queen of Peace Catholic Engineering College (which is in special measures), all other schools (many close to SBCHS) have been graded 'Good' in their latest Ofsted inspections. There will be spaces in schools in this area should it be the case that some parents who wish their child to attend the school do not get places at SBCHS.

49. Using the DfE GIAS website, I have looked at the options for Catholic schools available to parents in Parbold (other than SBCHS) within 10 miles of the postcode of the railway station in the village (a relatively central and focal point). The results are shown in Table 5.

Table 5: Catholic schools within 10 miles of the postcode of the railway station in Parbold

School ¹	Distance (miles)	Ofsted grade
Our Lady Queen of Peace Catholic Engineering College	2.22	Special measures
St Peter's Catholic High School	4.59	Good
St John Fisher Catholic High School	5.45	Good
Holy Cross Catholic High School	6.58	Good
St Mary's Catholic High School	6.9	Good
All Saints Catholic High School	8.69	Good
Maricourt Catholic High School	9.02	Good
St Edmund Arrowsmith Catholic High School	9.33	Good
De La Salle School	9.47	Requires improvement
St Augustine of Canterbury Catholic Academy	9.6	No data available ²
Christ The King Catholic High School and Sixth Form Centre	9.76	Good

Key:

¹ All schools are mixed and non-selective

² The predecessor school was graded 'Requires Improvement' prior to conversion to an academy

50. The straight line distance between the railway station in Parbold and SBCHS, according to Google Maps, is 5.47 miles. That means that for those not willing to travel up to 10 miles but who would have been willing to travel the distance to SBCHS, there are two

other Catholic secondary schools graded 'Good' by Ofsted that are closer than SBCHS. For those prepared to travel up to 10 miles, then there are eight Catholic secondary schools graded 'Good' by Ofsted. It appears to me that any Catholic child from Parbold who did not get a place at SBCHS has a number of other options for Catholic education, two of which are closer and have a better Ofsted grade than SBCHS.

51. One of the points made by the objector about the disadvantage for Catholic children in Parbold having to attend a school other than SBCHS is the problem with public transport. Looking at transport routes using Google Maps to the closer two Catholic schools with a 'Good' Ofsted rating (St Peter's Catholic High School and St John Fisher Catholic High School), I can see that the journey to both by public transport would be difficult, though not impossible. The journey from Parbold railway station to St Peter's Catholic High School would take around 50 minutes and would involve train and bus journeys as well as periods of walking between stations to catch public transport and then on to the school after a bus journey. The journey to St John Fisher Catholic High School would take a similar time and would involve a similar combination of train and bus journeys and walking. Public transport is, of course, not the only way children could get to those schools. According to Google Maps, by car it would take between 14 and 18 minutes to reach St Peter's Catholic High School and between 14 and 22 minutes to reach St John Fisher Catholic High School. Of course, no parent has yet had to make any such arrangements because every Catholic child from Parbold has been admitted to / offered a place at SBCHS in the period covered by Table 2.

52. The objector also raised the issue that "There has been, and is, significant house building in the area" which may affect how many Catholic children apply for places at SBCHS under oversubscription criterion 2 in the future. In later correspondence, the objector told me that:

"Both LCC and SBCHS have confirmed the significant house building in the parish catchment with 975 houses built and 2040 with planning permission. In Burscough, there is a very large estate which is part built and building work continues apace. There is also a large estate on the edge of Ormskirk. Both are within the parish catchment and much closer to SBCHS than Parbold."

53. I asked the LA about its projections of the impact of the house building on admissions to SBCHS. In its response, it told me:

"There are 3,015 houses identified to be built in the West Lancashire housing land supply. These all have planning permission and are accounted for within our forecasts. Of the 3,015, 975 have been built.

There are four identified strategic sites within the Local Plan which are yet to be included in the forecasts. The total level of dwelling is circa 555. These have the potential to bring forward a further 83 secondary pupils."

54. As the 975 houses already built will have generated any additional children applying for places at the school, I have turned my attention to the potential for other children from the 2495 houses which have not yet been built (2040 from the 3015 identified to be built in the West Lancashire housing land supply and 555 not yet accounted for in the local plan). According to the LA, the 555 houses from the local plan have the potential to generate a further 83 children of secondary age in the area (14.95 per cent of the total number of houses planned). Applying this proportion to the 2040 houses not yet built would yield a potential for 305 children. Added to the 83 children from the local plan housing, would mean a potential of 388 children of secondary age needing school places. Of course, not all of these children would be of Year 7 age and parents of these children would have the option of a number of other schools across the area. As housing is not all built and people do not move in all at the same time, it is unlikely this would result in a significant increase in demand at one time. It would also be the case that not all of these children would be Catholic or want a place in a Catholic school. A simple Google search informed me that the 2011 census recorded 7.4 per cent of the population identified as Catholic in the population in England and Wales. Applying this proportion to the potential 388 children arising from new housing could result in 29 Catholic secondary children seeking places. Even assuming every one of these children is in Year 7 and they would be equally distributed across all of the 11 Catholic schools in Table 5, that would place a demand of no more than three additional children on each. If all these assumptions had been true in the period covered by data in Table 2, only one of those children would have not been admitted under oversubscription criterion 2 in 2023/24. In all other years, these children would have been admitted.

55. The balancing exercise shows that there is no evidence that there has been disadvantage to Catholic children in Parbold, nor that there is potential for any large-scale disadvantage to Catholic children in the future in terms of admission under oversubscription criterion 2. There is no evidence to suggest that in 2025 there will be such a demand for places for Catholic children that there will be a need to invoke the home to school distance measurement. If there is a situation where that does have to be employed, I have already found that its inclusion in the school's arrangements is reasonable. Where there might be disadvantage, I do not see there being anything more than the disadvantage that would ordinarily be afforded by the arrangements. I do not see evidence of the disadvantage to Catholic children in Parbold that is asserted by the objector. In any event, any disadvantage is mitigated by there being a number of Ofsted-graded 'Good' schools with the same characteristics as SBCHS and within 10 miles of the postcode of the railway station in Parbold.

56. I have found that the arrangements for 2025 are reasonable and are not causing any unfairness to any identifiable social group.

57. For these reasons, I do not find that the use of the home to school distance measurement to prioritise admission under oversubscription criterion 2 in the way the objector asserts, to be unfair. I, therefore, do not uphold the objection.

Other Matters

58. 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 trust. These matters are (paragraphs of the Code are indicated where relevant):

58.1. Paragraph 1.8 requires admission authorities to include a tie-break which is “effective, clear, and fair”. The tie-break in the arrangements is in the first paragraph following the oversubscription criteria, and reads:

“Where the cut-off point is for addresses within the same building, then the single measure between address points will apply and the Local Authority's system of a random draw will determine which address(es) receive the offer(s).”

The tie-break is not effective or clear in that it appears only to cover one situation. For example, it does not state what would happen in any other situation where two or more distances are the same (such as where those distances are not in the same building).

58.2. The paragraph describing how a tie would be broken states that ‘a random draw’ will be used (presumed to be what is referred to in the Code as ‘random allocation’). The description of this process does not conform with the following paragraphs of the Code:

- 1.34 (part): “Admission authorities that decide to use random allocation when schools are oversubscribed **must** set out clearly how this will operate, ensuring that arrangements are transparent, and that looked after children and previously looked after children are prioritised.”
- 1.35 (part): “[...] a fresh round of random allocation **must** be used each time a child is to be offered a place from a waiting list.”

58.3. In the second paragraph following the oversubscription criteria, the phrase “a Statement of Special Educational Needs” is used. Statements of Special Education Needs no longer exist. Reference to out-of-date terminology means that the arrangements will not be clear for parents.

58.4. Under paragraph h. of the ‘Notes’ section, it states that “In-year admission is the process of applying for a school place during the school year. Any applications for the intake made after the start of the autumn term will be treated as an in-year application”.

This is likely not to be clear for parents for two reasons:

- Stating that in-year admission is only relevant to applications for places made ‘during the school year’ may lead a parent to believe that it only applies to September to July, or not to any holidays.
- The reference to the ‘autumn term’ in the second sentence does not make it clear that this only applies to the normal admission round in the relevant year (Year 7).

58.5. Under paragraph i. of the ‘Notes’ section, the information relating to applying for a place out of a child’s ‘normal age group’ does not make clear the process that the school expects a parent to follow when the parent is applying for a place for their child(ren) out of their normal age group (paragraph 2.18). In order to comply with the requirement of clarity, it is likely that the following information would need to be included:

- what form the application should take;
- to what body or person the application should be made;
- what body or person makes the decision; and
- how a parent knows what steps to follow.

58.6. Under paragraph k. of the ‘Notes’ section, the right of the school to withdraw the offer of a place is presented as an absolute. Under paragraph 2.13 of the Code that is not the case (as the paragraph states “Where an offer is withdrawn on the basis of misleading information, the application **must** be considered afresh, and a right of appeal offered if an offer is refused”), and so this paragraph is misleading to parents as well as non-compliant with paragraph 2.13.

59. The governing body of the school told me that much of the wording was from the archdiocesan model policy for schools. Although in its response the archdiocese has recognised that the wording used in its guidance is not compliant with the Code, it is the governing body that is responsible for its arrangements as the admission authority (not the archdiocese). Its arrangements in the areas I have identified above are either not clear for parents or not compliant for the other reasons I have identified.

60. I note that the school has told me that it will address these matters, as permitted by paragraph 3.6 of the Code, which is welcomed. As the school is actively seeking to address these areas, I will not mention them further in this determination.

Summary of Findings

61. The objector raised a concern about the potential for disadvantage that would be caused by the use of the home to school distance measurement to prioritise admission for Catholic children under oversubscription criterion 2. In considering that concern, I have

found that there is no evidence of there being any such disadvantage in the last four years and that there is little evidence that this would be the case in the future, and certainly not on the scale that the objector asserts. I, therefore, do not uphold the objection. For this reason, I do not find oversubscription criterion 2 to be unreasonable or that it operates to cause an unfairness.

62. I have found other matters in respect of the school's arrangements which I have detailed in the 'Other Matters' section. The trust has said it will address them and it must do so in the timescale set out in this determination.

Determination

63. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2025 determined by the governing board for St Bede's Catholic High School, Ormskirk.

64. 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.

65. 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 13 September 2024*.

* So that the revised arrangements will be available to parents for the secondary admission process for 2025 starting in September 2024.

Dated: 29 August 2024

Signed:

Schools Adjudicator: Dr Robert Cawley