

DETERMINATION

Case reference: ADA/001078

Objector: Wigan Council

Admission Authority: The Governing Body of St Mary's Catholic High School

Date of decision: 13 July 2007

Determination

In accordance with section 90 (3) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by the Governing Body of St Mary's Catholic High School.

In accordance with section 90(5A) of the School Standards and Framework Act 1998 I have considered whether it would be appropriate to make further changes to the arrangements.

I determine that for admissions in September 2008:

***the admission number shall be 260;**

***in point 5 of the admissions policy and arrangements the reference to the school's own form is to be replaced by reference to Wigan Council's form;**

***point 7 is to be deleted;**

*** oversubscription criterion 7 is to be re-worded as: "Children from other Christian denominations. Proof of Baptism in the form of a Baptismal certificate or confirmation that the applicant is a member of their Faith community from an appropriate Minister of Religion is required";**

*** and as a consequence, the supplementary faith request form is to be reworded to bring it into line with the revised oversubscription criterion 7.**

In accordance with section 90A of the School Standards and Framework Act 1998 I determine that these arrangements shall be protected for one year.

The referral

1. Wigan Council, the local authority ("the LA") has referred an objection to the Adjudicator about the admission arrangements ("the

arrangements”) for St Mary’s Catholic High School (“the school”), a voluntary aided secondary school, for September 2008. The objection is to the admission number determined by the school.

Jurisdiction

2. These arrangements were determined under section 89(4) of the School Standards and Framework Act 1998 (“the Act”) by the governing body which is the admission authority for the school. The arrangements were notified to the objector on 1 March 2007. The Council submitted its objection to these determined arrangements on 12 April 2007. The determined number is lower than the school’s indicated admission number generated by the net capacity assessment and therefore the required notice was published on 24 May 2007 informing parents of the determined admission number and their right to object. The period during which an objection could be lodged ended on 5 July 2007. No objections were received by the Office of the Schools Adjudicator. I am satisfied that this objection has been properly referred to me in accordance with section 90 of the Act, and that it falls within my jurisdiction.

Procedure

3. In coming to my conclusions, I have had full regard to the Act and Regulations made thereunder, the School Admissions Code (“the Code”) and all the evidence presented so far as it is relevant to the objection. I have also had regard to the relevant provisions of: The Sex Discrimination Act 1975; The Race Relations Act 1976; The Disability Discrimination Act 1995; and to The Human Rights Act 1998.
4. The documents I have considered in reaching my decision include:
 - a. the LA’s letter of objection of 12 April 2007, supporting documents and subsequent correspondence;
 - b. the school’s response to the objection, supporting documentation and subsequent correspondence;
 - c. correspondence from the Archdiocese of Liverpool;
 - d. a copy of the published notice of the determined admission number for September 2008;
 - e. the LA’s booklet for parents seeking admission to schools in the area in September 2007; and
 - f. maps of the area identifying relevant schools.
5. I have also taken account of information obtained during a meeting I convened at the school on Tuesday 5 June 2007.

The Objection

6. The objection is to the admission number of 260 determined by the governing body of the school for September 2008. This number is lower than the minimum indicated admission number as assessed by the net capacity assessment of the school. The LA wished the admission number to be between 270 and 300.

Background and Consideration of Factors

7. The school's admission number for 2003/04 and 2004/05 was 290. This was reduced to 260 in each of 2005/06, 2006/07 and 2007/08. Each year the number of applications has exceeded the admission number and the school has allocated 275, 265 and 292 places respectively.
8. There seems to have been problems with communications between the school and the LA at the stage when the school consulted on its draft admission arrangements. After the LA lodged its objection, the school and LA discussed the position and the LA wrote on 20 April 2007 asking to withdraw its objection.
9. I considered the objection, the school's allocation of places for 2007 and the admission arrangements as a whole as required by the Code. In order to help me understand fully the provision at the school and the reason why the school and LA had disagreed about the admission number I decided to convene a meeting at the school with all the parties.
10. The net capacity assessment for the school gives the lower limit admission number of 270. The school and LA are in discussion about the school's capacity, but it was clear to me when viewing the accommodation that some classrooms are too small to aid effective teaching and learning and the temporary accommodation leaves much to be desired. Some improvement work is taking place at present and there is discussion about further works. The LA in asking to withdraw its objection accepts that for 2008 the admission number should be limited to 260. I concur with this view.
11. I have had to wait for the end of the period in which parents might have objected to the determined admission number before making my determination. Although the school has usually been oversubscribed no objections have been received. I agree that the admission number should be 260 in 2008. I am also strongly of the view that the school must not exceed this number when allocating places in the way it did this year.
12. In looking at the admission arrangements as a whole, including the supplementary information form, there are matters that are not in line with the Code or are not entirely clear. At the meeting I convened, I discussed my concerns and the admission arrangements need to be amended accordingly.
13. In point 5 of the admissions policy and arrangements, the reference

to applying for a place on the school's own form is to be replaced by reference to Wigan Council's form.

14. Point 7 in which parents are asked to inform the school of the order of preference they give to the school must be deleted.
15. On a point of clarity for parents when considering applying to the school, I discussed at the meeting whether it was the governors' intention in oversubscription criterion 7 to limit the admission of children of other Christian denominations to only those for which practise infant baptism. The school and the representative of the Archdiocese confirmed that this was not the case and helpfully suggested alternative wording to clarify their intention. The wording for criterion 7 should be replaced with "Children from other Christian denominations. Proof of Baptism in the form of a Baptismal certificate or confirmation that the applicant is a member of their Faith community from an appropriate Minister of Religion is required".

Conclusion

16. I have concluded that I should not uphold the objection as the school and LA are now in agreement over the determined admission number and I agree with the reasons given for the number being 260 for September 2008.
17. I have also discussed with the school, LA and Archdiocese my concerns about certain aspects of the arrangements and I have concluded that I should make amendments as described above to bring the arrangements into line with the Code and improve clarity for parents.

Determination

18. In accordance with section 90 (3) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by the Governing Body of St Mary's Catholic High School.
19. In accordance with section 90(5A) of the School Standards and Framework Act 1998 I have considered whether it would be appropriate to make further changes to the admission arrangements.
20. I determine that for admissions in September 2008:
 - * the admission number shall be 260.
 - * in point 5 of the admissions policy and arrangements the reference to the school's own form is to be replaced by reference to Wigan Council's form;
 - * point 7 is to be deleted;

* oversubscription criterion 7 is to be re-worded as “Children from other Christian denominations. Proof of Baptism in the form of a Baptismal certificate or confirmation that the applicant is a member of their Faith community from an appropriate Minister of Religion is required.”

* and as a consequence, the supplementary faith request form is to be reworded to bring it into line with the revised oversubscription criterion 7.

21. In accordance with section 90A of the School Standards and Framework Act 1998 I determine that these amendments shall be protected for one year.

Dated: 13 July 2007

Signed:

Schools Adjudicator: Dr Elizabeth Passmore