

DETERMINATION

Case reference: ADA/001124

Objector: Wigan Council

Admission Authority: The Governing Body of St James' Catholic Primary School

Date of decision: 13 July 2007

Determination

In accordance with section 90 (3) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by the Governing Body of St James' Catholic Primary 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, September 2009 and 2010 the arrangements shall be amended as follows:

*** oversubscription criterion 7 is to be reworded 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";**

***oversubscription criterion 8 is to be reworded as: "Children of other faiths. An appropriate Minister of Religion would need to confirm in writing that the applicant is a member of their faith group;**

*** the reference to measuring distance, if the distance between a child's home and the school has to be taken into account, will be: "measured in a straight line distance from the home address to the Front Door (main entrance) of the school as measured by the : Local Authority";**

***the reference in the "note" to providing a birth certificate is deleted.**

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 James' Catholic Primary School ("the school")

a voluntary aided primary school, for September 2008. The objection is to the wording of two oversubscription criteria.

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 5 April 2007. The Council submitted its objection to these determined arrangements on 17 May 2007. 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 17 May 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.

The Objection

5. The objection is to the wording in two of the oversubscription criteria relating to the children of Christian denominations other than Catholic and children of other faiths. Criterion 7 concerning other Christian denominations includes within it “requires parents to be fully supportive of its Catholic ethos”; and criterion 8 relating to children of other faiths includes the words “whose parents support the character and demonstrate a commitment to the ethos of the school”.
6. The LA argues that criterion 7 is not clear and objective. Parents may be misled and a requirement of providing a baptismal certificate is not proof of the parents’ desire for their child to be educated in a Catholic school.
7. Criterion 8, the LA contends, conflicts with section 2.13c of the Code. The LA is of the opinion that the meaning of the criterion is prohibited by the Code which does not allow schools to “give priority

to children according to parents' willingness to give practical support to the ethos of the school or to support the school financially or in some other way".

Background and Consideration of Factors

8. The governing body determined the school's arrangements on 14 November 2006. At the meeting of the Admissions Committee on 3 May 2007 governors discussed comments from the LA about the two oversubscription criteria and agreed to revise the wording and refer the suggested amendment to the full governing body on 8 May. They also reworded the way distance from a child's home to the school is measured and agreed to adopt the same method as used by the LA. The minutes of the meeting on 8 May 2007 record that the governors discussed the arrangements and agreed a revised admissions policy for September 2008.
9. The LA wrote on 22 May 2007 asking to withdraw its objection having accepted the amendments proposed by the governors. Since an objection had been lodged, I must make a determination and must also look at the arrangements as a whole.
10. In considering the objection I looked first at the objection to the determined arrangements and then considered the amendments suggested by the school. It is clear to me that in returning to look again at their arrangements the governors wish to have arrangements that are clear and objective and take full account of the advice of the Archdiocese and LA.
11. The wording of criterion 7 has been reconsidered in the light of a query in relation to an objection concerning another school. I agree that in its original form the criterion lacked clarity and objectivity. I am of the view that the wording suggested subsequently by the Archdiocese is clearer still than the amendment suggested by the school and that I should make my determination accordingly.
12. I am satisfied that the governors did not intend criterion 8 to be interpreted as suggested it could be by the LA. The revised wording suggested by the school is clear and removes all reference to parents support for the character or ethos of the school.
13. In looking at the admission arrangements as a whole I concluded that there is a matter that is not in line with the Code, namely that applications must be supported by a birth certificate. I discussed my concern with the headteacher of the school. In seeking proof of the age of a child, the school is also potentially gathering information about the parents' marital status and occupations: this is not permitted. There is no suggestion that the school is trying to obtain such information and it will discuss with the LA and Archdiocese other ways of checking the date of birth of a child. The requirement of providing a birth certificate as part of an application must be deleted.

Conclusion

14. I have concluded that I should uphold the objection to the determined arrangements and use in my determination the amendments subsequently discussed by the governors, agreed by the school and LA, and further modified as proposed by the Archdiocese. These amendments bring the arrangements into line with the Code and improve clarity for parents.

Determination

15. In accordance with section 90 (3) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by the Governing Body of St James' Catholic Primary School.
16. 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.
17. I determine that for admissions in September 2008, September 2009 and September 2010 the arrangements shall be amended as follows:

* oversubscription criterion 7 is to be reworded 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."

* oversubscription criterion 8 is to be reworded as: Children of other faiths. An appropriate Minister of Religion would need to confirm in writing that the applicant is a member of their faith group";

* the reference to measuring distance, if the distance between a child's home and the school has to be taken into account, will be "measured in a straight line distance from the home address to the Front Door (main entrance) of the school as measured by the Local Authority".

* the reference in the "note" to providing a birth certificate is deleted.

Dated: 13 July 2007

Signed:

Schools Adjudicator: Dr Elizabeth Passmore