

## **DETERMINATION**

**Case reference:** VAR/ 000540

**Admission Authority:** the Governing Body of St Bede's Inter-Church School

**Date of decision:** 21 October 2011

### **Determination**

**In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the variation to the admission arrangements determined by the governing body of St Bede's Inter- Church School, a voluntary aided 11 to 16 secondary school, for 2012/13, to change the second oversubscription criterion to include The Evangelical Alliance.**

### **The referral**

1. The Governing Body of St Bede's Inter- Church School, has made a referral to the Office of the Schools Adjudicator requesting a variation to the admission arrangements ("the arrangements") that it determined for St Bede's Inter- Church School, ("the School") a voluntary aided 11-16 secondary school, for admissions in September 2012.

### **Jurisdiction**

2. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 which states that:  
  
"where an admission authority (a) have in accordance with section 88C determined the admission arrangements which are to apply for a particular school year, but (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in circumstances occurring since they were so determined, the authority must [except in a case where the authority's proposed variations fall within any description of variations prescribed for the purposes of this section] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations".
3. I am satisfied that the proposed variation is within my jurisdiction.

### **Procedure**

4. In considering this matter I have had regard to all relevant legislation, guidance and the School Admissions Code "the Code".

5. The documents I have considered in reaching my decision include: the Governing Body's referral of 21 September 2011 with supporting documents;
  - the School's determined arrangements for 2012/13
  - copies of consultation letters to secondary schools and responses
  - minutes of governing body meeting on 18 July 2011
  - a Net Capacity Assessment for the School
  - a map of primary and secondary phase schools within a 5 mile radius of the School; and
  - responses and further documentation from the Cambridgeshire County Council ("the Council").

## **Background**

6. The School seeks approval for a variation to the arrangements that were determined by the governing body for 2012/13 and cites the announcement in April by the Council of the withdrawal of the denominational transport subsidy, as the major change in circumstances which has prompted this referral.
7. As the only secondary faith school in county the School currently draws in pupils from up to 30 miles away and 400 of the 750 pupils on role use transport provided under this subsidy. Reductions will be made to the subsidy between 2012 and 2014 and will involve an increase in costs for parents. The School asserts that this will affect parent preferences and may result in fewer applications in future years.
8. The School wishes to secure its future viability by widening the access of more locally based families who attend local churches within the Evangelical Alliance. It therefore wishes to amend its arrangements to include the Evangelical Alliance in the second oversubscription criterion so that it states *"Children from families belonging to other Churches that are members of 'Churches Together in Britain and Ireland' and 'The Evangelical Alliance', whose application is supported by their priest or minister."*

## **Consideration of Factors**

9. The School states that there have been detailed discussions about the need to request a change to its determined arrangements, but says because of local difficulties it has been unable to provide actual minutes of the admissions meeting at which the issues were considered. In the absence of the minutes I am quite prepared to accept that the school

would have seriously considered the impact of the Council's decision and the options open to it.

10. The Code states in paragraph 4.23 '*Once admission arrangements have been determined for a particular academic year, they cannot be revised by the admission authority except in the very limited circumstances.....*' One such exception is the situation where an admission authority considers that as a result of a significant change in circumstance (Code 4.25), a variation to admission arrangements is required. Although there is no statutory definition of a major change of circumstance, the Code expects that this should be considered to be a serious and *unexpected* event affecting the provision of education at the school.
11. As the only faith secondary school in the County, the change to the transport subsidy is particularly significant but although it was only formally announced in April after the School had determined its arrangements for 2012/13, it cannot be described as unexpected. There is clear evidence that the School has been proactively engaged in discussions with the Council since January 2011 and I am concerned at the length of time it has taken the School to make this referral for a variation to its arrangements and will return to the impact of this delay further on.
12. In response to my enquiry about why the School had not included the Evangelical Alliance within the oversubscription criteria before this year, the School explained that in recent years there had been a growth of churches within Cambridge city and that although some of these churches were not Roman Catholic or Anglican, from time to time parents had been able to gain entry for their children under Criterion 3. One of the churches in question, Cambridge Community Church, has for several years met every Sunday in the School hall and working relationships are very close. The demand, therefore, from local Christian families from those churches in the Evangelical Alliance has grown.
13. The School considers the request to be a modest extension of Criterion 2 to include the Evangelical Alliance alongside Churches Together. *"In seeking to increase our appeal to local Christians, we are acknowledging a feeling that has been present in our school community for some time. The urgency given to our deliberations by the withdrawal of the transport subsidy has made this matter more pressing."*
14. The School has consulted all 5 secondary schools within a five mile radius and received positive responses to the suggested variation to admission arrangements for 2012/13 onwards.

15. The Council is fully aware of the potential for its decision to phase out discretionary denominational transport, to affect parental preferences for secondary schools. A Council report notes under the heading of 'Access and Inclusion' that "*The additional parental contribution to school transport which may be required by St Bede's in order to continue to run its bus contracts once the Authority's subsidy of £675 per child ceases, could have a significant impact on these families who express a preference for their child/ren to attend a denominational school on grounds of faith in the south of the County*". However it goes on to point out that 263 of the 371 pupils at St Bede's whose transport arrangements it currently subsidises, live on public service bus routes,
16. Noting that the ongoing annual costs to the Authority to support the transport costs of 371 pupils was £210,000 per annum it proposed that denominational transport support should cease with effect from September 2012, with the exception of that which is statutorily required, namely, where a family met the national low-income criteria, to provide free transport to the nearest secondary school preferred by reason of a parent's religion or belief between 2 and 15 miles from the child's home.
17. After consultation with parents, the School and Diocesan Authorities in January and February 2011, a decision was made to amend the initial proposal and to phase the reducing level of subsidy from September 2011 thus allowing parents and the schools involved to better prepare for the change. The full removal of the subsidy will not now take effect until September 2014 and instead, in the intervening 3 year period between September 2011 and September 2014, the level of Council subsidy will decrease. This decision was taken by Cabinet on 15 March 2011 following consultation, with St Bede's School and with Diocesan representatives.
18. The Council is not opposed to the variation to arrangements of the School *per se* but expresses both its disappointment that no primary schools have been consulted and great concern about the late timing of the referral, 4 weeks after publication of information for parents. It advised the School to submit a formal request to change its arrangements by the end of July, so that any decision that affected those arrangements might be included in the booklet for parents. As it is, the period during which parents can express preferences has already commenced on September 12<sup>th</sup> and the Council has advised me that over 2500 online applications for a secondary school places have already been submitted by parents.
19. Whilst I note the School's view that the change is modest I agree with the Council's view that the request for this variation to published arrangements has been unduly delayed, for a matter that the School

describes as 'pressing'. I also note from July minutes of the governing body that in response to a query about the impact of increased transport costs for parents to date, the response that about half a dozen students have opted not to use school transport and will be making their way to school via other means and that parents were more concerned with where the bus stops and picks up were than with the extra costs. It was further noted that the senior leadership team had discussed this issue in detail at their "away day" and felt they should focus year to year on transport as the cost may not have such an impact as they had thought.

## **Conclusion**

20. Parents were consulted by the Council in January and February 2011 and are therefore fully aware of the implications of the changes to the transport subsidy. For many families there is the option of using other existing public transport routes.
21. With regard to the Schools desire to provide access to local families who attend churches within the Evangelical Alliance, parents can still express preferences for the School in 2012 and could gain access under the third criterion i.e." *Children from families belonging to other Christian churches whose application is supported by their Church minister or leader.*" In the light of the consultation that had taken place in January and February 2011, if the School had wished to change its arrangements it could have done so before determining them before 15 April. It is not in my view reasonable to have waited until after parents had started to submit their preferences in September for 2012 to seek a variation and it would be unreasonable to change the arrangements at this late stage in the applications process.
22. For the reasons elaborated above I therefore reject the request to vary the arrangements for admissions in 2012/13.
23. In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the variation to the admission arrangements determined by the governing body of St Bede's Inter- Church School, a voluntary aided 11 to 16 secondary school, for 2012/13, to change the second oversubscription criterion to include The Evangelical Alliance.

Dated: 21 October 2011

Signed:

Schools Adjudicator: Mrs Carol Parsons