

## DETERMINATION

**Case reference:** ADA2434

**Referrer:** A parent

**Admission Authority:** The governing body of St James's Church of England High School, Bolton

**Date of decision:** 22 August 2013

### **Determination**

In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements determined by the governing body of St James's High School, Bolton, for admissions in September 2014. I determine that the arrangements do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) of the Act the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements as quickly as possible.

### **The referral**

1. The admission arrangements (the arrangements) of St James's High School (the school), a voluntary aided school in Bolton with a Church of England religious character for pupils from 11 – 16 years of age, for September 2013, have been brought to the attention of the Schools Adjudicator by a parent in an email referral dated 13 May 2013.
2. Having looked at the arrangements for 2013, I considered that there may be matters that do not comply with legislation or the School Admissions Code (the Code) and I therefore also looked at the arrangements for admission in September 2014.

### **Jurisdiction**

3. I have jurisdiction under section 88I of the School Standards and Framework Act 1998 (the Act) to consider whether admission arrangements determined under section 88C of the Act by the admission authority for a school conform with the requirements relating to admission arrangements. I have no jurisdiction to consider admission arrangements that have not been determined in accordance with the requirements of the Act.

4. The published admission arrangements for the school for 2013 were drawn to the attention of the Office of the Schools Adjudicator (OSA) on 13 May 2013. It became clear on initial enquiries that the governing body of the school had failed to determine the admission arrangements for 2013 and 2014. Following contact from staff of the OSA, the admission arrangements for 2014 were determined by the school's governing body on 25 June 2013 and I was informed of this on 27 June. I am satisfied that now the arrangements for 2014 have been determined and have come to my attention, it is within my jurisdiction to consider them. I consider that the 2013 arrangements remain undetermined and not therefore within my jurisdiction.

5. I do not have jurisdiction to consider some aspects of the referral which are about matters other than the admission arrangements and I give more details of this in the section about the referral below.

### **Procedure**

6. In considering this matter I have had regard to all relevant legislation and the Code. The documents I have considered in reaching my decision include:

- a. the referrer's email dated 13 May 2013;
- b. information provided by the school in correspondence with the OSA during May, June and July 2013;
- c. comments from Bolton Council, the local authority (the LA) dated 19 July 2013, including a copy of advice it provided to schools on 1 November 2012 on determining admission arrangements;
- d. comments from the Diocese of Manchester (the diocese), which is the faith body for the school, dated 13 August 2013 and guidance provided by the diocese to Church of England schools in the diocese on school admissions;
- e. the LA's composite prospectus for parents seeking admission to schools in the area in September 2013;
- f. confirmation of when consultation on the arrangements last took place;
- g. copies of the minutes of the meetings of the governing body at which the arrangements for 2014 were determined;
- h. copies of the determined arrangements for 2014, and
- i. copies of the published but undetermined arrangements for 2013.

### **The Referral**

7. In referring the arrangements to the adjudicator, the referrer raised concerns about:

- a. the relative priority in the oversubscription criteria given to siblings compared to faith practice;
- b. the referrer's belief that the school's Supplementary Information Forms (SIF) are signed by some clergy without any proper assessment of whether families meet the relevant criteria set out in the school's arrangements and reflected on the SIF;
- c. the number of appeals for places at the school which the referrer believes reflects a poor admissions policy; and
- d. the actions of the appeal panel which held the appeal by the referrer against the decision by the school not to offer his children a place at the school for 2013.

8. It is within my jurisdiction to consider whether the admission arrangements for the school conform to the Code and, as part of that, whether they are clear, objective and fair as required by paragraph 14 of the Code. I can consider the relative priority given to siblings compared to faith practice as part of that. The SIF is part of the admission arrangements and I can also consider whether it and the information it seeks meet the requirements relating to admissions. I can take account in my consideration of the arrangements of the number of appeals for places in so far as considering whether there is a feature of the arrangements that might contribute to parents deciding they have grounds for an appeal. The work of the independent appeals panel is outside my jurisdiction as is the specific question of whether clergy check the information on SIFs before signing them.

### **Other Matters**

9. In correspondence with the school I raised other matters that I considered might not comply with the requirements of the Act or conform to the Code.

10. These matters are whether:

- a. the school's arrangements taken as a whole meet the requirement in paragraph 14 of the Code that arrangements **must** be clear and that parents should be able to look at the arrangements and understand easily how places for that school will be allocated;
- b. the school's faith-based criteria meet the requirements of paragraph 1.36 of the Code that parents can easily understand how any faith-based criteria will be reasonably satisfied;
- c. awarding points for attendance at unnamed and undefined Church primary schools conforms with paragraph 1.9 b of the Code;
- d. the requirement that two religious leaders should sign the school's SIF is fair as required by paragraph 14 of the Code;
- e. the statement on the SIF that the school expects parents to be "prepared to allow their children to take part in all aspects of school life,

including worship” undermines the right of parents to withdraw their children from collective worship under section 71 of the School Standards and Framework Act 1998 as amended by section 55 of the Education and Inspections Act 2006 and is thus not lawful; and

- f. provision in the arrangements that relate to looked after and previously looked after children conform to the requirements of the legislation and the Code.

## **Background**

11. St James’s High School is popular and regularly oversubscribed. The school has told me that pupils join from around 50 different primary schools. The school’s published admission number (PAN) for 2014 is 210. For 2013 it was 200.

12. The school’s oversubscription criteria use a points based system with varying numbers of points awarded for:

- a. Parent’s worship – different numbers of points depending on frequency of worship and whether Christian or other faith;
- b. Child’s worship – different numbers of points depending on frequency of worship and whether Christian or other faith;
- c. Sibling links – a set number of points;
- d. Residence in the former Deanery of Farnworth – a set number of points, and
- e. Medical and social reasons – a set number of points.

13. Up until 2013, one point was also awarded for attendance at a Church primary school. The version of the arrangements (including the SIF) for 2014 published on the school’s website in July 2013 does not include this provision, although it was included in a version of the SIF for 2014 sent to me on 27 June 2013 following the meeting at which the arrangements for 2014 were determined.

14. I know that a meeting of the headteacher, two school staff and one governor held on 15 July discussed removing this provision. However, that meeting was not a meeting of the governing body (which is the admission authority for the school) and did not have the power to alter the determined arrangements. Regulation 19 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (the regulations) provides that admission authorities can vary determined arrangements in some circumstances. There is no provision for this to be delegated to one governor and members of the school’s staff. An email from the school sent to the OSA on 19 July with the

minutes of the 15 July meeting included the following:

“After consultation with the foundation governors on Thursday 18<sup>th</sup> July regarding the oversubscription criteria giving points for attendance at a Church primary school, governors voted to remove the question for the 2014 admissions documentation on the proviso that further discussion would take place at the foundation governors meeting on Tuesday 10<sup>th</sup> September. “

15. It is not clear to me that this meeting on 18 July was a properly constituted quorate meeting of the governing body with the authority to change the determined arrangements. I therefore consider that the determined (though not the published) arrangements continue to include the award of a point for attendance at un-named Church primary schools and I have accordingly included this in my consideration of the school's arrangements.

16. Once the points score for each applicant has been determined, places are allocated to those with the highest scores until the points score is reached at which the number of applicants reaches – and in all probability exceeds – the PAN. The school then applies its tiebreak criteria to distinguish between the applicants with the same number of points. The tiebreak criteria are:

- a. having a sibling at the school;
- b. residence in the former Deanery of Farnworth;
- c. distance from the school.

17. Applicants may, of course, already have received points for the first two of these criteria.

18. In addition to the points system, the admission arrangements provide that children with a statement of special educational needs (SEN) that names the school will be admitted and that looked after and previously looked after children will be admitted.

19. The admission arrangements also state that special arrangements are in place for a maximum of three additional students who are part of Bolton Wanderers Football Academy to be admitted into the school above the published admission number and without reference to the admission arrangements including the oversubscription criteria. The school has told me that this provision was introduced in 2005 but has never been used.

20. For September 2012, all children who scored seven or more points were offered places and some of those who scored six were offered places. For 2013, the number of points needed to secure a place was significantly higher: all those who secured 11 points or more gained a place as did some of those who secured

ten points.

21. In November 2012, the foundation governors decided to consult on changes to the school's admission arrangements for 2014. The changes were to include in the existing residency criteria children who live in the "new Bolton Deanery" as well as those who live in the former Farnworth Deanery and to increase the admission number from 200 to 210. By virtue of the provisions of Regulations 13 and 14 of the regulations, the change to the residency criteria was a change that required consultation, but the increase to the PAN did not require consultation. The minutes of the foundation governors meeting referred to plans for an eight week consultation. This is the minimum period specified by the regulations which also require that consultation takes place between 1 November and 1 March. However, when the school carried out its consultation, this lasted only from 8 January to 19 February which is six weeks.

22. After the consultation (which did not provide a legal basis for the change to the residency criteria) the school then failed both to determine the arrangements and to publish arrangements on its website. The school confirmed to the OSA on 13 June that the arrangements for 2014 had not been determined. The admission authority was required by Regulation 17 of the regulations to have determined its arrangements by 15 April. Paragraph 1.47 of the Code requires the school to send a copy of its determined arrangements to the LA and the diocese by 1 May and to publish the determined arrangements on its website. When the arrangements were first brought to my attention and I looked on the school's website on 17 May 2013, the only arrangements visible were those for September 2013.

23. As explained above, the admission authority determined admission arrangements for 2014 on 25 June 2013. However, I was not sent a copy of the arrangements for 2014 as determined. I was sent on 27 June 2013 a copy the minutes of the meeting of 25 June and a SIF. Further, as noted below, arrangements for 2014 were not placed on the website or sent to me until 19 July 2013 which was when I first saw a complete set of arrangements for 2014.

24. After the arrangements had been determined on 25 June, the OSA wrote to the school to say that I had decided to exercise my powers to consider the arrangements as a whole. I made this decision on the basis of having seen the arrangements for 2013, the proposed changes to those arrangements described in the consultation letters which I had been sent (and which had confirmed that the consultation did not meet the requirements in the regulations as described above), the minutes of the meeting of 25 June and the version of the SIF sent to me on 27 June.

25. The letter from the OSA to the school referred to the element of the points system that gave points for attendance at "Church primary schools" and drew the school's attention to paragraph 1.9 b of the Code which states that admission authorities may wish to include a named feeder school. As described above, a decision was

then taken at the school – though not by the governing body which as the admission authority is the only body with the authority to make such a decision – to remove the provision for points for attendance at Church primary schools from the arrangements before these were finally published on the school’s website on 19 July along with the SIF.

26. It is extremely regrettable that it took so much time both for the school to determine its arrangements and then to provide me with and to publish a full set of arrangements. The school’s staff have throughout sought to co-operate with me and with the administrative staff of the OSA. In addition, the diocese was asked for its comments on 16 July. This was the earliest that comments could be sought given that I had no jurisdiction to consider the case until the arrangements were determined and even then I did not receive copies of the determined arrangements. The diocese said that it wished to comment but was not able to do so until 13 August and this has also contributed to the length of time it has taken to make this determination.

27. The consequences of the school’s failure to comply with the requirements relating to admissions for 2014 are that parents and others have been deprived of their entitlement to see and – if they wish – object to determined admission arrangements by 30 June this year. The arrangements for 2013 remain undetermined and the published arrangements for 2014 are, in my view, not the determined arrangements.

28. I have seen the guidance provided by the LA to all schools in the authority on 1 November 2012 and I consider that this gave very clear information on what admission authorities were required to do to determine their arrangements. This has not been followed by the governors.

### **Consideration of Factors**

29. As a voluntary aided school with a religious character, St James’s is entitled by paragraph 1.36 of the Code to use faith-based oversubscription criteria in addition to other lawful oversubscription criteria.

30. The school uses a points system to rank applicants when it is oversubscribed. As outlined above, different numbers of points are awarded against different criteria. Some of the criteria are faith based and others are not. For some of the criteria (such as residence or social need) a set number of points is awarded if the applicant satisfies the particular criterion and none if he or she does not. In relation to worship, varying numbers of points are awarded separately for worship by the child and by the parent and depending on the frequency of worship and whether the worship is Christian or another faith. Thus in a family where both child and parent attended church weekly, 18 points would be awarded and in a family where only the child attended and did so monthly four points would be awarded.

31. The Code does not mention points systems. Whether a particular points system is or is not lawful will depend on whether the admission arrangements based on it meet the wider requirements of the Code. The paragraphs of the Code

that are particularly key are paragraph 14 which states that arrangements **must** be clear fair and objective and that parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated and paragraph 1.8 which states that oversubscription criteria **must** be reasonable, clear, objective and procedurally fair. In addition, as the school has some faith-based oversubscription criteria, paragraph 1.37 of the Code which provides that admission authorities using such criteria **must** ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied is also relevant.

32. Paragraph 1.38 of the Code provides that admission authorities for schools with a religious character **must** have regard to any guidance from the relevant faith body when drawing up faith-based oversubscription criteria, and that they **must** consult the faith body when deciding how membership or practice of the faith is to be demonstrated.

33. I have seen advice issued by the diocese in 2012 in the wake of the Code which came into force that year. That advice includes a sample admissions policy which in turn includes a number of suggested oversubscription criteria. After looked after and previously looked after children, the criteria can be summarised as:

- a. Siblings;
- b. Children who regularly attend and/or whose parent/guardian regularly attends an Anglican church in the relevant parish;
- c. Children who regularly attend and/or whose parent/guardian regularly attends a church in the parish which is a member of Churches Together in England and if the school wishes the Evangelical Alliance;
- d. Other priorities taken from distance from school, catchment area, feeder schools, social or medical need, children of staff of school, and
- e. Any other children.

34. The guidance says that it is for each admission authority to decide which of the criteria to use and in what order. The guidance does not mention the use of a points system.

35. I found it hard at first to grasp the school's arrangements from reading the admission policy. This is partly because the arrangements are inherently complicated, partly because of the way they are described and partly because it is necessary to read the SIF as well as the admission policy to see the arrangements in full.

36. After the normal statements about the PAN there is a brief reference to the points system in two sentences which read:

“Only if the number of applications exceeds the number of places available, will the governors allocate points according to the published system shown overleaf, offering places firstly to those children who reach the qualifying

score. The qualifying score may vary from year to year as it is dependent on the number of applications received.”

37. This is followed by a section about the admission of children with statements of special educational needs and looked after and previously looked after children and the LA’s Fair Access Protocol. Then there is a heading “Oversubscription Criteria”. This begins by referring back to the points system, and then sets out a list of what are in fact the tiebreak criteria. This is then followed by headings for Medical and Social Reasons and explanations of the evidence required for each of these. This in turn is followed by a section – with no heading – which covers the arrangements for pupils who are part of Bolton Wanderers Football Academy, the use of the SIF and the appeals process. The second page does contain a table which gives what is described as an “Outline of Points Allocation Scheme” but this gives only the maximum number of points available in the sections for which a range of points can be gained. In order to see the full details of what points are available in what circumstances, it is necessary to study the SIF.

38. Because the arrangements are so complicated, the attempt to provide a simple overview in the table on page 2 of the policy has resulted in some rather odd discrepancies between this and the SIF. For example, the table states that four points are awarded if the applicant has a sibling at the school whether the applicant is Christian or Other Faith. There is nothing on the SIF to suggest that those who are of no faith cannot claim sibling links, yet that is what the table implies.

39. The points system is not the only source of complexity in the arrangements. The tiebreaker is also complicated. Of course, all admission arrangements require a tiebreaker. However, the tiebreaker used at St James’s is more akin to a second set of oversubscription criteria. As noted above, it affords priority first to siblings and then on the basis of residence. Applicants may already have received points for these.

40. In response to my request for the school to explain the rationale for its approach, it said:

“The Governors decided that in the case of a point tiebreak and when required to admit more pupils, the point score of the application would be taken as the first criterion. After that, the 3 criteria should be applied. It is acknowledged that pupils have already had points allocated in the application process for points 1 [siblings] and 2 [residence in the former Deanery of Farnworth]. When the new Headteacher was appointed in 2009, this was already the case and has continued. For example: If there are 2 children with 10 points, one of which has a sibling at the school, the other who lives nearby, but with no sibling, then the child with the sibling will be awarded the place.”

41. I do not find this is a convincing explanation for a very complex approach.

42. I have concluded that the admission arrangements are not clear as required by paragraph 14 of the Code. Paragraph 14 says that parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated. I do not think that this test is met. So far as the faith-based elements of the oversubscription criteria are concerned, I think that these fail to meet the requirements of paragraph 1.37 of the Code that parents can easily understand how any faith-based criteria will be reasonably satisfied. The complexity of the points system and the fact that this results in the qualifying score varying year on year I think makes it almost impossible for a parent to understand whether the criterion will be satisfied.

43. I consider that the points system currently used by the school is not clear and hence not fair and therefore does not comply with the Code.

44. I now turn to the provision in the determined (but not in the published) arrangements which award points for attendance at unnamed and undefined "Church" primary schools. Paragraph 1.9 b of the Code states that admission authorities **must not** take into account any previous schools attended, unless it is a named feeder school. The awarding of points on the basis of attendance at unnamed and, indeed, undefined "Church primary schools" clearly does not conform to this requirement. I note that the foundation governors plan to discuss this issue in September. For the avoidance of doubt, I am determining that the school's arrangements contravene the Code by including this provision in its arrangements for 2014.

45. The school's arrangements require that two religious leaders should sign the school's SIF. This is an unusual requirement and I was concerned that some parents might find it confusing or off-putting, if, for example, they only came into contact with one religious leader. The school was asked about this in correspondence from the OSA. In a letter to the OSA of 15 July the school said:

"We have tried to trace when this request was first put in to place. Currently, we have evidence from the 2007 school application form, but suspect it was much earlier and on speaking to the Governors, it was discussed many years ago with the Foundation Governors in a response to a number of questionable single signatories. We have no further information on this."

46. The minutes of the meeting of 15 July give a slightly different account. They say that the school's view was that this was because: "there was a team of more than 5 vicars in one Church so parishioners would not necessarily see the same vicar weekly."

47. I can see that in some Churches, families will see more than one member of the clergy as well as other Church officials. However, this will not be the case in others. I do not think that it is fair to require that two members of the clergy sign the form.

48. In signing the St James's SIF, clergy are expected to be able to confirm the frequency of worship (weekly, three times a month, twice a month or monthly)

separately of the parent and the child. The more complex the faith criteria, the greater the challenge for clergy in determining whether or not the criteria are satisfied. On the other hand, the simpler the criteria, the more likely it is that the clergy's assessment of whether requirements are met will be accurate. I have already stated that the arrangements are too complicated and are not clear.

49. The SIF states that the school expects "applications to be from those parents who wish their children to receive a Christian education in a Church of England school and are prepared to allow their children to take part in all aspects of school life, including worship". The minutes of the meeting held on 15 July record that those present decided:

"The wording on the application form relating to the expectations of worship in school is to remain the same as it is clear that pupils should be prepared to take part in all aspects of school life, including worship, not a pre-requisite. Governors will discuss this at the Foundation Governors meeting on 10<sup>th</sup> September for the 2015 admissions."

50. The first part of the statement on the SIF is unexceptional. St James's is a Church of England school and one would expect its religious character to be reflected in all aspects of its provision. It is quite reasonable for the governors to expect those applying for places to take this into account. However, the right to withdraw children from collective worship is a right enjoyed by parents including those whose children attend schools with a religious character. A well informed parent with a clear understanding of the provisions of education legislation might appreciate the implicit distinction between an expectation and a requirement. However, I am concerned that some parents will think that if their child attends St James's they will lose the right to withdraw them from collective worship. I think that this might lead some parents not to apply for the school when otherwise they might have wished to do. I therefore conclude that the statement is unclear and unfair and needs to be amended so that parents' rights are clear.

51. The SIF includes an emphatic statement (in bold underlined capitals) that it must be completed. The admission arrangements posted on the website on 19 July say that applicants are expected to fill in the SIF. It is not true that the SIF must be completed. There would be absolutely no requirement for the SIF to be completed in respect of a child with a statement of special educational needs which names the school or in respect of a looked after or previously looked after child. Moreover, and more broadly, the statement that the SIF must be completed does not comply with Paragraph 15 d of the Code which is clear that where a school is undersubscribed, any parent that applies **must** be offered a place. This would be the case whether or not a parent had completed the SIF. It is true that a parent who does not complete a SIF may well reduce the chances of a child securing a place at a school if that school is oversubscribed as the school will not be able to apply certain of its oversubscription criteria. However, admission authorities must still consider all applications whether or not accompanied by a SIF.

52. The SIF is part of the admission arrangements and does not conform to the requirements relating to admission arrangements.

53. On reading the school's admission arrangements, I was concerned that the provision in the arrangements that relate to looked after children which do not conform to the requirements in paragraph 1.7 of the Code.

54. The admission arrangements state that the governors will admit all children with a statement and special educational need that names the school and go on to say that the school will admit looked after and previously looked after children. This section of the admission arrangements is not the section which sets out oversubscription criteria. This statement complies with the law in respect of children with statements of SEN whose admission to schools is governed by separate legislation from that applying in respect of other children. However, the requirement in the Code for looked after and previously looked after children is that they **must** be included in the oversubscription criteria and given first priority in those criteria.

55. I can see that the school is seeking to be clear that looked after and previously looked after children will have priority for admission. This is a minor and technical breach which can be easily rectified.

56. I turn now to the provision in the admission arrangements that:

“Special arrangements are in place for a maximum of three students to be admitted to the school who are part of the Bolton Wanderers Football Academy. In such cases students are admitted by arrangement with the governors following recommendation by Bolton Wanderers Football Academy.”

57. There is no information in the arrangements about how such children are considered in relation to other applicants or whether the three is an annual number or relates only to Year 7. When I asked the school about this, its response was, as indicated above, that the provision had existed since 2005 but had never been used. The minutes of the governing body meeting on 25 June which determined the arrangements for 2014, noted that consideration would be given to consulting on removing this provision from 2015 onwards.

58. The provision as it stands does not conform to the requirements relating to admissions. It is not clear as required by paragraph 14. In addition, it suggests a discretion which does not exist on the part of the governing body to decide whether or not to admit such children other than as part of the determined admission arrangements. Paragraph 2.7 of the Code is clear that places can only be allocated on the basis of the application of the determined admission arrangements. There is no scope for discretionary special arrangements.

59. In its comments on the objection, the diocese notes that the school had failed to comply with the requirements relating to consultation on and determination of admission arrangements. The diocese said that it would draw the school's attention to its guidance – referred to above. The diocese also said that it would suggest to the school that the criterion relating to church schools attended should be removed unless and until the school consulted on the introduction of a criterion relating to named feeder primary schools and that it would suggest that the expectation relating to participation in all aspects of school life including worship should be

removed from the SIF. The diocese stated that it believed that the arrangements had been drawn up in good faith and were “generally compliant with the Code.” The diocese did not comment on any of the other aspects of the arrangements which I have discussed in this determination and found not to conform to the Code.

60. One aspect of the concerns raised by the referrer in relation to the 2013 arrangements was that the admission authority has “chosen faith before siblings”. As the criteria complained of are the same in the 2014 arrangements which are the subject of this determination, I have considered the points made by the referrer. The referrer points out that the sample admission arrangements provided in the Code included siblings as the second priority after looked after children. The referrer has taken this to mean that children with a sibling attending the school at the time of application should be given priority. It is, of course, the case that very many admission authorities give priority to siblings and there are many good reasons for them to do so. However, and in contrast to looked after and previously looked after children, there is no requirement for siblings to be given a high priority, or even any priority. Furthermore, the Code states clearly that the sample arrangements are provided for illustrative purposes only; they are not “suggested” arrangements and should not be seen as such. I do not find that there is anything unlawful or unreasonable in the school’s giving greater weight to faith practice than to sibling links.

61. The referrer suggests that the number of appeals for places at the school is indicative of poor admissions practice. He notes that there were 58 appeals in 2013 for places at the school of which nine were upheld. St James’s is a popular school and each year there will be parents who are disappointed that they cannot secure a place for their child. The right to appeal to the independent appeals panel is an important part of the process and an important right for parents. I do not think that it is possible in this case to make judgements about the fairness or otherwise of admission arrangements based on the numbers of appeals.

## **Conclusion**

62. The arrangements first drawn to my attention were for 2013. They remain outside my jurisdiction. However, the referrer’s actions in bringing the arrangements to my attention have allowed me to consider the arrangements for 2014. In addition, had it not been for the referrer’s actions, it seems all too possible that the arrangements for 2014 would remain undetermined.

63. In considering the arrangements for admission to St James’s High School for 2014, I have concluded that in very significant ways they do not conform with the requirements relating to admissions. I draw attention in particular to:

- a. the use of a complicated and unclear points system within the context of arrangements that are inherently complex and not well described;
- b. a SIF which falsely states that it must be completed;
- c. unlawful provisions relating to pupils who are part of Bolton Wanderers

Football Academy; and

d. the unlawful giving of priority for children who attend unnamed Church primary schools.

64. I have concluded that the school's practice of giving greater priority within its oversubscription criteria on the basis of faith rather than sibling links is not contrary to the Code and that the number of appeals is not itself evidence of poor admissions practice. As indicated above, the conduct of the independent appeals panel is not within my jurisdiction and the question of whether clergy signed forms without checking them is also one I cannot consider.

65. Once admission arrangements have been determined for a particular academic year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of the Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements. The Act requires the school to amend its arrangements where they do not conform to the Code in order to make them compliant.

### **Determination**

66. In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements determined by the governing body of St James's High School, Bolton, for admissions in September 2014. I determine that the arrangements do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

67. By virtue of section 88K(2) of the Act the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements as quickly as possible.

Dated: 22 August 2013

Signed:

Schools Adjudicator: Ms Shan Scott