



Office of
the Schools
Adjudicator

Determination

Case reference:	ADA 2749
Referrer:	A parent
Admission Authority:	The governing body of St Urban's Catholic Primary School, Leeds
Date of Decision:	7 October 2014

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 for St Urban's Catholic Primary School for admissions in September 2014 and September 2015. I determine that the arrangements do not conform with the requirements relating to admission arrangements.

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) for St Urban's Catholic Primary School (the school) for 2014 were brought to the attention of the adjudicator by a parent (the referrer) on 27 June 2014. Objections to these arrangements had to be made on or before 30 June 2013. Having looked at the arrangements, however, I considered there may be matters that do not comply with the requirements relating to admissions. The concerns raised by the parent are:
 - a. The admission authority set a deadline of 15 January 2014 for the submission of supplementary information forms. After that date the school asked the parents who had not returned their supplementary forms to submit them. The referrer believes this is unfair as the admission arrangements were clearly established and then they were not followed.
 - b. The school gives priority to catechumens but there is no place on the supplementary information form or the common application form to provide this information.

Jurisdiction

2. The "objection" was made to the 2014 arrangements on 27 June 2014 and so not in the determination year which would have been 2013. There is therefore

no duty under section 88H of the School Standards and Framework Act 1998 (the Act) for the adjudicator to consider the objection.

3. However, section 88I(5) of the Act provides that an adjudicator may consider matters which come to her attention. The school's arrangements for September 2014 and September 2015 were brought to my attention by the referral and, having viewed the arrangements, I decided to use my power to consider the arrangements as there appeared to be matters that may not comply with the requirements relating to admissions. I am satisfied that I have the jurisdiction to consider the arrangements as a whole under section 88I of the Act.
4. Some of the communications provided to me by the referrer relate to the admission of her child. This is not within my jurisdiction and I limit my considerations to the 2014 and 2015 arrangements.

Procedure

5. In considering this matter I have had regard to all the relevant legislation and the School Admissions Code (the Code).
6. The documents I have considered in reaching my decision include:
 - a. the letter of referral dated 27 June 2014 and further correspondence from the referrer dated 20, 26 and 29 July, 6, 14, 15 and 19 August 2014;
 - b. correspondence from the school in response to my enquiries dated 15 and 22 July, 6 and 14 August and 3 September 2014;
 - c. correspondence from the Diocese of Leeds (the diocese) in response to my enquiries dated 15 July and 25 July, 5 and 14 August and 4 September 2014;
 - d. the model admissions policy 2014 provided to schools within the Diocese of Leeds by the diocese;
 - e. correspondence from the local authority dated 16 July, 1 and 18 August 2014;
 - f. the local authority guidance to parents, '*Starting Primary School in Leeds 2014*' and '*Starting Primary School in Leeds 2015*';
 - g. the admission arrangements for the school for September 2014 and 2015 including the supplementary information form; and
 - h. information available from the school's website including its prospectus.

Matters considered

7. I have reviewed the arrangements as a whole for admissions in September 2014 and September 2015 and considered matters which may not conform with the Code. As I am considering two sets of arrangements I will only refer to the year (2014 or 2015) if there is a significant difference between the arrangements for the two years. The two matters brought to my attention were:

- a. The admission authority set a deadline of 15 January 2014 for the submission of supplementary information forms. After that date the school asked the parents who had not returned their supplementary forms to submit them. The referrer believes this is unfair as the admission arrangements were clearly established and then they were not followed.
 - b. The school gives priority to catechumens but there is no place on the supplementary information form or the common application form to provide this information.
8. I have also considered these and other matters within the arrangements which may not conform to the requirements of the Code. These matters are:
- a. catechumens are given priority over looked after children and previously looked after children in the oversubscription criteria;
 - b. the expectation that the supplementary information form should be completed by all applicants when this is not necessary;
 - c. the requirement to admit pupils who have a statement of special educational needs that names the school;
 - d. imprecise information on how a sibling attending the school affects the priority within a category;
 - e. inexact arrangements for a final tie-breaker;
 - f. the lack of specific reference to ranking the waiting list again using the oversubscription criteria each time a child is added to the list;
 - g. the requirement to publish the 2015 arrangements on the school's website once they have been determined; and
 - h. potentially misleading statements within the school's prospectus on the need to make a financial contribution to the school.

Background

- 9. St Urban's Catholic Primary School is a voluntary aided school in Leeds within the Diocese of Leeds. The school has a published admission number of 30 and has been oversubscribed in recent years. For admission to the school in September 2013 there were 133 applications for the 30 places available of which 49 were first preferences. There were 158 applications for places for September 2014.
- 10. The headteacher took up post in January 2013. In her letter dated 22 July 2014 the headteacher wrote, "*Minutes of meetings have previously been retained by the Chair of Governors who has since left; I am unable to trace any minutes that may exist as I have not been able to contact the Chair and cannot trace her as she has left the area.*" There are thus no records or minutes of the governing body relating to decisions with regard to determining admission arrangements for 2014. The school and the diocese have told me that due to changes in communication methods other relevant information is

also unavailable. This is an unsatisfactory situation. The school says that it had discussed the matter with the diocese and has assured me that the arrangements were determined although there is no clear evidence of this beyond providing the arrangements to the diocese and the local authority. The school has given me assurance that it intends to consult on arrangements for 2016, taking advice from the diocese and recording all decisions appropriately.

11. In their correspondence the school and the diocese refer to a compliancy exercise undertaken previously that meant that the arrangements were, the school stated, "*wholly approved*" by the adjudicator. This is a misunderstanding. The local authority was able to provide an explanation which showed that this perception related to a specific exercise in 2008 which was limited to certain aspects of arrangements and since when there have been changes to the Code. It remains the responsibility of the admission authority to ensure that they comply with the current Code as stated in paragraph 5 of the Code, "*It is the responsibility of admission authorities to ensure that admission arrangements are compliant with this Code.*"

Consideration of matters

12. The first part of the arrangements brought to my attention concerns the deadline of 15 January 2014 set by the school for submission of supplementary information forms. The school then asked the parents who had not returned their supplementary forms by that date to submit them. The referrer believes this is unfair as the admission arrangements were clearly established and then they were not followed.
13. My jurisdiction is for the determined admission arrangements, that is, for arrangements determined under section 88C of the Act. The processes followed in allocating places are part of the overall admission arrangements that are outside my jurisdiction.
14. The second part of the arrangements that was brought to my attention concerns the priority the school gives to catechumens, but there is no place on the supplementary information form or the common application form to provide this information.
15. The oversubscription criteria of the arrangements, in priority order, are:
 - 1. Looked after children from Catholic families or children from Catholic families who were previously looked after but ceased to be so because they became adopted or became subject to a residence or special guardianship order.*
 - 2. Baptised Catholic children who live in the defined area. (St Urban's Parish and part of The Assumption Parish ~ the area of Headingley, West Park and Meanwood, bounded on the north by Leeds Outer Ring Road, to the east by King Lane, Stonegate Road, Stainbeck Lane (including the Farm Hill Estate and Beckhill Estate up to, but not including Miles Hill Road), Cumberland Road and to the north by Headingley Lane, St Anne's Road and the area*

north of the Assumption Parish Church and the Leeds Harrogate Railway Line to the Ring Road.)

3. Other baptised Catholic children.

4. Other looked after children or other children who were previously looked after but ceased to be so because they became adopted or became subject to a residence or special guardianship order.

5. Other children

Catechumens are to be given priority next after baptised Catholics in each of the above categories.”

16. If the school wishes to give priority to catechumens then there must be a way for a parent to register eligibility for that priority. The arrangements define catechumens as, *“those children who have given an explicit desire to be baptised into the Roman Catholic Church and who are currently preparing to receive the same by regular participation in Sunday worship and a recognised programme of preparation. A letter from the Catholic priest preparing the child is required.”* This is a clear statement.
17. The arrangements state that *“failure to provide a Supplementary Information Form (SIF) could mean that the applicant is placed in the last criteria.”* The supplementary form provides space for various types of information relating to its oversubscription criteria such as date and place of baptism and specifies that the baptism certificate will need to be provided. It makes no reference or request relating to proof of being a catechumen.
18. In a letter dated 15 July 2014 the diocese refers to the stated requirement for a letter from the Catholic priest and says, *“A box on either of the forms would not provide the relevant evidence of current preparation and worship (at the time of application).”* It is stated in the supplementary form that a baptism certificate is required to meet the evidence needs of relevant criteria. There is no reason why something similar should not be included for catechumens.
19. The school in a letter dated 15 July 2014 says, *“We agree that whilst there is no particular place on the supplementary information form or common application form for applicants to indicate that they are catechumens, there is a requirement to state the ‘Religion of Child’ if any. This, we feel, would be the proper place to indicate catechumen status.”* In my view this is not sufficiently clear for applicants.
20. The local authority indicated that there is space for free text on the common application form and this could provide space for information with regard to being a catechumen. It is my view that the supplementary information form is the place for supplementary information relating to faith. I consider the arrangements are clear in terms of stating what evidence is required of catechumen status but unclear about how and when this should be provided. This is in contrast with the requirement for a baptism certificate. I therefore conclude that the requirement for further information on catechumen status should be clearly indicated on the supplementary form but that otherwise the arrangements are clear in this regard.

21. Other matters which came to my attention when I considered the arrangements for the school which seemed not to conform to admission requirements also need to be addressed.
22. The arrangements do not comply with the Code as catechumens have a higher priority than looked after children or previously looked after children. Paragraph 1.37 of the Code states, "*Where any element of priority is given in relation to children not of the faith they must give priority to looked after children and previously looked after children not of the faith above other children not of the faith.*" Catechumens are not yet of the faith. The school can give priority to looked after and previously looked after Catholic children before other Catholic children and then other looked after children and previously looked after children before other children. It cannot give priority to catechumens before looked after and previously looked after children who are not Catholics.
23. Paragraph 2.4 of the Code states that admission authorities "**must only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria.**" In the school's arrangements all applicants are asked to complete a supplementary form but for criteria 4 and 5 the information requested is not required. The arrangements do say, "*failure to provide a Supplementary Information Form (SIF) could mean that the applicant is placed in the last criteria,*" which is criterion 5. This does not make it clear that those applying for priority under criterion 4 or 5 do not need to complete the form. The school should therefore distinguish in its arrangements when it requires additional information and be clear that not all applicants need to complete the supplementary form.
24. The 2014 arrangements start, "*Saint Urban's Catholic Primary School was founded by the Catholic Church to provide education for baptised Catholic children.*" This could give the impression that applications from those who were not baptised Catholics would not be considered. The arrangements for 2015 has this statement but have been amended to add, "*If the number of preferences received is less than the admission number then all preferences will be met. However, when there are more applications than places available, priority will always be given to Catholic applicants in accordance with the oversubscription criteria listed below.*" The 2015 arrangements make it clear, unlike the 2014 arrangements, that the school will follow the Code and, as in paragraph 1.36, "*offer every child who applies, whether of the faith, another faith or no faith, a place at the school if there are places available.*"
25. The rights of children with a statement of educational need are not clearly presented. The arrangements refer only to, "*The admission of pupils with a Statement of Special Educational Needs is dealt with by a completely separate procedure. This procedure is set out in the 1996 Education Act. Details of this separate procedure are set out in the Special Educational Needs Code of Practice.*" This does not make it clear to parents, as in paragraph 1.6 of the Code that, "*All children whose statement of special educational needs (SEN) names the school **must** be admitted.*"

26. The diocese provided an explanation which was, "*The wording was changed as several parents from overseas were providing statements that their children had 'a special need' to attend schools not understanding the legal status of an 'SEN statement' as understood by education professionals. This resulted in several parents assuming they would have an automatic place. The change was to highlight that there is a different process by which some children may be admitted to the school.*" It is understandable that the diocese and the school should wish to make it clear that a statement of educational need is a specific document from a particular process. However a clear explanation of the right of a child whose statement of educational need names the school to have a place at the school is required. Consideration is similarly needed for those with an educational, health and care plan which names the school.
27. The arrangements state, "*The attendance of a brother or sister at the school at the time when the younger child starts school will increase the priority of an application within each category.*" It is not clear what is meant by "*will increase the priority of an application within each category,*" and a more precise explanation is required and there must be clarity within the oversubscription criteria if there is any priority for a sibling.
28. The Code in paragraph 1.8 says, "*Admission arrangements **must** include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated.*" The arrangements only say, and not under the section entitled, '*tie-breaker*' that where all other matters are equal "*places will then be decided by random allocation.*" This is insufficiently clear and needs to be more precise.
29. The arrangements state, "*As well as their right of appeal, unsuccessful applicants will be placed on a waiting list. This waiting list will follow the order of the oversubscription criteria set out above.*" This is not clear enough. The Code requires, as in paragraph 2.14, that, "*Each admission authority **must** maintain a clear, fair and objective waiting list for at least the first term of the academic year of admission, stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria.*" The arrangements therefore need to state that the waiting list will be ranked again whenever a child is added to the list.
30. In the process of writing this determination I looked at the arrangements on the school's website in September 2014. The arrangements for 2014 were there as required by paragraph 1.47 of the Code. However, the arrangements for 2015 were not published as required by the same paragraph. Paragraph 1.47 says that admission authorities, once they have determined their arrangements, "***must** publish a copy of the determined arrangements on their website.*" The school is not complying with the Code in this regard and must do so.
31. The school's prospectus is for families considering whether to apply for a place at the school. In the prospectus, under the heading "*Voluntary Contribution Scheme,*" is an explanation that the school has to raise 10 per cent of its capital funding because it is a voluntary aided school. The section continues, "*We are sure that you appreciate that your children will benefit from the Catholic Education that they receive at our school. All we ask for is £2.50*

per month for your child (or £5 per month if there are two or more children), which is less than 60p per week over the year per child. Payment can be made by standing order or in half termly cash amounts. Parental contributions are essential to the future of the school.” It is my view that parents reading this could gain the mistaken impression that this is a requirement. This would be in contravention of paragraph 1.9(n) of the Code which says that admission authorities **must not** “*request financial contributions (either in the form of voluntary contributions, donations or deposits (even if refundable)) as any part of the admissions process.*” The prospectus is not part of the determined arrangements but the inclusion of this request in a document used by prospective parents could be misleading and should be addressed.

Conclusion

32. The requirement for evidence of being a catechumen is clear within the policy but is not included in the supplementary information form. The form is part of the arrangements and should be clearer in this regard. The arrangements also need to comply with the Code in respect of not giving priority for admission to catechumens above looked after and previously looked after children who are not Catholics.
33. The arrangements also do not comply with the Code on other matters as detailed above and need to be amended.

Determination

34. 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 for St Urban’s Catholic Primary School for admissions in September 2014 and September 2015. I determine that the arrangements do not conform with the requirements relating to admission arrangements.
35. 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: 7 October 2014

Signed:
Schools Adjudicator: Mrs Deborah Pritchard