

# Summary of faith school OSA decisions under the 2012 Admissions Code

Last updated 2 April 2014

This document provides summaries of all decisions made by the Office of the Schools Adjudicator with respect to schools with a religious character or ethos since the introduction of the [2012 School Admissions Code](#). Summaries are provided chronologically and include objections, referrals and relevant variations, whether upheld/approved or not, starting from the oldest and working to the newest.

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## **Schools designated with a religious character**

### **St Thomas More Catholic School, Haringey**

Voluntary Aided secondary, 13 July 2012 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00212071/ada2301stm>

This school required that ‘all applicants are... expected to give their full, unreserved and positive support for the aims and ethos of the school’. Such a requirement not only breaks the Admissions Code, but likely also breaches the Human Rights Act’s right to freedom of religion or belief. The school was also interviewing parents prior to admission, and allowed a Priest to approve or reject parents without giving any criteria upon which he would do so – both of which breach the Code as they have been used by schools as forms of covert socio-economic selection. Lastly, many of its requirements were unclear and furthermore a different set of oversubscription criteria were used for admissions during the school-year.

### **St Teresa’s Catholic Primary School, Wokingham**

Voluntary Aided primary, 16 July 2012 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00211793/ada2299stps>

Its admissions procedures was objected to by Wokingham Council after it failed to even publish its admissions criteria until 48 days after the deadline. In addition, the criteria implied that the religious practice of children would be considered, when it should only be that of their parents.

### **Whalley Church of England Primary School, Lancashire**

Voluntary Aided primary, 20 July 2012 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00214362/ada2363wps>

Allegedly, this school did not consult appropriately before changing its oversubscription criteria, although the Adjudicator found that this was not the case. There were also a number of other minor violations such as mentioning previously looked after children only in the description of a criterion, not within the criterion itself. The Adjudicator ruled that these violations must be corrected.

### **Littleton Church of England Infant School, Shepperton**

Voluntary Aided primary, 25 July 2012 (not approved)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00212285/var583lis>

The governing body referred its admissions criteria to the Adjudicator as having already determined the criteria, it then decided that it wished to change the priority given to children of families who have worshipped at other Christian Churches and give higher priority to local parishioners. The

Adjudicator ruled that without sufficient consultation with the families affected, this change cannot go ahead.

### **Christ the King Catholic Primary School, Bournemouth**

Voluntary Aided primary, 25 July 2012 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00212287/ada2367ckps>

This school had its admissions procedure objected to by Bournemouth Education Appeals Service, after it found that the school was not following its admissions criteria. The school also had a section within its Supplementary Information Form that read 'This child is not a member of any particular denomination or faith tradition but, as parents/guardians, I/we are would like our child to be admitted to the school as it is our desire that s/he receives faith based schooling in the Catholic tradition.' However, this likely also breaches equality and human rights legislation, as it was selecting pupils based on parents' support for the ethos of the school, which 'faith' schools are not legally able to do (being only able to select based on belief/faith grounds.)

### **St Swithuns Catholic Primary School, Portsmouth**

Voluntary Aided primary, 30 July 2012 (partially upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00212528/ada2256sss>

### **St Johns Cathedral Catholic Primary School, Portsmouth**

Voluntary Aided primary, 30 July 2012 (partially upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00212526/ada2255sjcps>

### **Corpus Christi Catholic Primary School, Portsmouth**

Voluntary Aided primary, 30 July 2012 (partially upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00212530/ada2257ccps>

### **St Pauls Catholic Primary School, Portsmouth**

Voluntary Aided primary, 30 July 2012 (partially upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00212532/ada2258spcps>

These schools were all found to be in breach of the Code. They required that parents 'complete a liturgy and Mass attendance card for the attendance of their child at Mass', when only the parents' religious practice would be considered. This card also required a photograph of the child. All of which were in addition to the standard SIF allowed under the Admissions Code. Furthermore, the schools had the local parish Priest both signing off applications and sitting as a member of the admissions committee, which was also objected to by the Diocese and was found to be a clear conflict of interest. Lastly, a number of the oversubscription criteria, such as the one for looked after children, could be written in a clearer way. The Adjudicator ruled that these were all violations, but also that the local Cathedral should provide a way to demonstrate attendance of Mass without breaching the Code.

### **St Marys Catholic Primary School, Calderdale**

Voluntary Aided primary, 31 July 2012 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00212542/ada2251scps>

This school decided to reduce its admissions number from 40 pupils to 30, as it found it was only taking in 30 Catholic pupils a year. However, the Council objected because 'there is an existing and worsening shortfall in primary school places. The majority of applications for places at the school come from an area of significant deprivation, and a reduction in the admission number of the school will deprive children from that area of access to a local primary school place.' The school invoked Canon Law in defending its actions; however, this (and the reduction) was found not to be legitimately justified.

### **Clore Shalom School, Hertfordshire**

Voluntary Aided primary, 3 August 2012 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00213006/ada2263css>

The objector argued that the arrangements for the Reception class to give priority to those who attended the nursery class and the use of membership of a synagogue as a criterion were both contrary to the Code. The Adjudicator agreed: the first because it essentially made the nursery class (30 places) a prerequisite to the Reception class (also of 30 places), whilst the second was deemed unfair since the synagogues require a subscription to be paid, which may prove to be unfair for less well-off families. Though the school added further provisions to the effect that regular attendance at a synagogue can count as a substitute to membership, the latter's inclusion was still a violation of Code.

### **Sonning Church of England Aided Primary School, Wokingham**

Voluntary Aided primary, 10 August 2012 (partially upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00213105/ada2342sps>

The school changed its oversubscription criteria without sufficient consultation, changes which included elements such as removing a church previously used to confirm attendance at worship and changing the rule concerning families who had just moved into the parish/started to use the local churches. Moreover, certain elements of the new admissions criteria required clarification, either because of unclear wordings or because of a lack of critical information – the Supplementary Information Form for example did not have a deadline to be handed in by. The Adjudicator urged a new consultation to ensure that the changes are suitable for the next few years and that the arrangements are amended as quickly as possible.

### **Grazeley Parochial Church of England Primary School, Wokingham**

Voluntary Aided primary, 10 August 2012 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00213107/ada2343gps>

### **St Sebastian Church of England Primary School, Wokingham**

Voluntary Aided primary, 10 August 2012 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00213097/ada2344ssp>

### **Shinfield St Mary's Church of England Primary School, Wokingham**

Voluntary Aided primary, 10 August 2012 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00213099/ada2345ssm>

These three schools in Wokingham did not consult the necessary bodies before changing their admissions procedures to comply with the 2012 Admissions Code. During the investigation, a number of violations were discovered, such as not defining which churches counted as Trinitarian (for the latter two schools), which would be unclear for prospective parents, as well unclear requirements for the SIF for all three. Further consultation was recommended in addition to addressing the violations noted.

### **St Edwards Royal Free Ecumenical Middle School and St Peters Church of England Middle School, Windsor and Maidenhead**

Voluntary Aided primaries, 10 August 2012 (not upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00212827/ada2260sep>

The objectors argued that although the two schools' admissions arrangements are lawful, combined they are discriminatory against children in Catholic primary schools living in the village of Eton Wick, since they are both too far from the ecumenical school to get in and won't get into the Church of England school since their primary schools are not feeder schools. However, the Adjudicator argued that this was not discriminatory since this disadvantage was due to earlier school choices by the parents and that as long as each religious school makes its admission arrangements clear, they could not be blamed.

### **Cardinal Heenan Catholic High School, Liverpool**

Voluntary Aided secondary, 13 August 2012 (approved)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00213033/var582chs>

The Adjudicator approved the change to the school having several partner schools and adding a SIF to help with admissions/maintain the school's Catholic character.

### **Corpus Christi Catholic Primary School, Bournemouth**

Voluntary Aided primary, 14 August 2012 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00213004/ada2324ccp>

This school made a number of mistakes with unclear wordings and incorrect interpretations of the Code. Supplementary Information Forms were seemingly described as optional and to be completed by a priest/religious leader, instead of the parents. The Adjudicator ruled that these violations must be corrected.

### **St Edmund Campion Catholic Primary School, Windsor and Maidenhead**

Voluntary Aided primary, 22 August 2012 (not upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00213128/ada2297ecp>

A parent objected that siblings of non-Catholic pupils have a lower priority than Catholic applicants without siblings in the oversubscription criteria. Within the Code however this was allowed and the school has followed all the correct procedures.

### **Calthwaite Church of England Primary School, Cumbria**

Voluntary Aided primary, 31 August 2012 (not upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00213470/ada2302cps>

### **Patterdale Church of England Primary School, Cumbria**

Voluntary Aided primary, 31 August 2012 (not upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00213465/ada2303pps>

### **St Mary's Church of England Primary School, Cumbria**

Voluntary Aided primary, 31 August 2012 (not upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00213455/ada2304smp>

The Diocese objected to the schools' lack of a faith criterion in its oversubscription criteria. The Adjudicator however argued that a school did not necessarily have to follow the policies of its diocese and that after receiving advice from the diocese on this issue, a Church of England school is free to decide its own admission policies. Only in the case of St Mary's did the Adjudicator discover violations. She found that looked after children/previously looked after children were not part of the first criterion of the oversubscription criteria and that the school did not consult properly when it abruptly changed its admissions procedures to follow the Diocese's recommendations.

### **Caroline Chisholm School, Northamptonshire**

Secondary Academy, 4 September 2012 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00213890/ada2269ccs>

This school's new oversubscription criteria included one criterion that favoured children from a 'cluster' of local primary schools. The local council, a number of excluded primary schools and a parent all complained that this move would unduly discriminate against parents wanting their children to go to a faith school (none of the linked schools are of a religious character) and fail to meet the interests of the community (due to several local schools being excluded from the cluster). The school replied that it has adequate measures in place to prevent this, arguing that all children from the local area who wanted to go to this school managed to get a place in recent years. The Adjudicator ruled that this school's policy was not discriminatory for faith reasons (since many children go to the local Anglican primaries but are not Anglican) but was nonetheless unfair, as children who had already failed to get a place within the 'cluster' of schools will face even more difficulty applying to the secondary school.

### **King David Primary School, Liverpool**

Voluntary Aided primary, 28 September 2012 (not upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00214772/ada2388kdps>

A parent argued that due to a new policy of the local diocese, Catholic parents are not able to apply for this particular school since the Church will not provide the necessary Certificate of Religious Practice. The Adjudicator found that requiring such a Certificate in the oversubscription criteria is in fact in line with the code, although he also recommended the Church and the school to meet to decide how they should resolve this problem facing Catholic parents – after the rule was introduced, only one Catholic child was admitted, compared to five to seven in previous years.

### **London Oratory School, London**

Voluntary Aided secondary, 12 December 2012 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00218628/ada2387and2389los>

The school's oversubscription criteria included a reference to an applicant family's service within the Church. This was contrary to the Admissions Code since it states that priority should not be given on the basis of practical/financial support families give to school/associated organisations such as a church. The school justified this on the grounds that this was part of the religious selection criteria (Canon law requires Catholics to undertake service and good works within the Church) and moreover is needed because they are heavily oversubscribed by Catholic applicants. The school however did allow that 'service' is vague and can be re-worded.

In addition, the school also does not publish its sixth-form admissions criteria for students outside of the school (thus giving existing students an advantage). It was also not clear how the test taken by these candidates interacts with the oversubscription criteria, especially as the test itself was not one of the criteria listed. The Adjudicator ruled that all of these violations must be corrected.

### **St Paul's RC Primary School, Thames Ditton, Surrey**

Voluntary Aided primary, 25 February 2013 (not upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00222293/ada2401spp>

A prospective parent complained that the school's catchment area is unclear and unfavourably includes the wealthier part of St Barnabas parish, but not its more deprived areas – instead the catchment area should follow parish boundaries. The Schools Adjudicator however found that there are less Catholic schools than parishes in the area and so a larger catchment area is needed and that the school selects pupils based on residence within this area, not which church they attend, so parish boundaries are not the best indication. The Adjudicator reported in favour of the school.

### **Christ's College, Guildford**

Voluntary Aided secondary, 23 May 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00225273/ada2409cc>

The local council complained that Christ's College selects on a faith criteria from other Church of England schools (that were not officially named or designated as feeder schools), regardless of distance. The Adjudicator concluded that the criteria must be more clearly set out and only use named feeder schools.

### **All Saints Catholic High School, Sheffield**

Voluntary Aided secondary, 18 June 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00226003/ada2404ash>

The school delegated to the local authority the determination of admission arrangements, and thus all religious requirements were removed from the oversubscription criteria. However, the school

continued to request elsewhere that applicants indicate whether they were baptised into the Roman Catholic Church. As part of a broader investigation into sixth-forms in Sheffield, the school indicated to the Adjudicator that being a Catholic was not a part of the application process, but did not clarify whether faith has any bearing on the admissions procedure. Moreover, no clear admission numbers were given. As such, the Adjudicator requested the school to change its admission arrangements.

### **Notre Dame Catholic High School, Sheffield**

Secondary Academy, 18 June 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00226005/ada2404ndh>

As part of the same ruling as for All Saints, it was found that the oversubscription criteria were unclear about how 75 places were allocated, do not give preference to looked after or previously looked after children, and do not name feeder schools.

### **Minster School, Southwell, Nottinghamshire**

Voluntary Aided secondary, 9 July 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00226606/ada2458tms>

A number of violations were found, such as asking for weekly church attendance when the oversubscription criterion asks only for monthly attendance. Other faith-based questions were not clearly defined. The Adjudicator ruled that the school must further clarify its admissions code.

### **Canary Wharf College, Tower Hamlets, London**

Primary Academy, 10 July 2013 (not upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00226619/ada2443cwc>

A member of the public complained that places due to siblings being at the school should be placed ahead of faith places in the oversubscription criteria, and that the admissions criteria itself are ambiguous about faith places. The example of ambiguity cited is: 'Funding Agreements for.....Free Schools with a religious character provide that where the school is oversubscribed at least 50% of places are to be allocated without reference to faith'. The objectors suggest that together, this may result in community places offered to a child with a sibling who already has a faith place, or that a younger sibling of a community place child might lose out to new families with faith places. Based on the evidence however, the Adjudicator ruled that in practice the various rules do not conflict with each other – even if the faith criteria was removed, exactly the same offers would have been offered to the same children in 2012.

### **St Catherine's RC Primary School, Farington, Lancashire**

Voluntary Aided primary, 15 July 2013 (approved)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00226806/var606scp>

The school placed a request to lower the number of children admitted in 2013 and 2014. During the referral the Adjudicator found that the oversubscription criteria still included a clause favouring children attending a RC nursery. The school replied that they did not realise said clause was not removed. As this contravenes the code, the Adjudicator ordered this be removed from the oversubscription criteria.

### **Parbold Douglas Church of England Academy, Lancashire**

Primary Academy, 19 July 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00226967/ada2515pda>

### **Silverdale St John's Church of England Primary School, Lancashire**

Voluntary Aided primary, 24 July 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00227026/ada2516ssj>

In both schools, an objector argued that the wording of the first oversubscription criterion which refers to 'Children in Public Care' was insufficiently clear. The Adjudicator found that the schools

changed their criteria after the deadline for submitting them to the local council so that it would comply with the Admissions Code. The Adjudicator ruled that the schools were at fault for not changing the criteria/making the public aware of it ahead of time.

### **Bishop Rawstone Academy, Croston, Lancashire**

Secondary Academy, 25 July 2013 (partially upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00227062/ada2483bra>

Again, further clarification of the admissions criteria was required, due to their being several different groups of places being allocated under different criteria. However the Adjudicator was satisfied that the faith-based criteria were not in themselves in breach of the Code.

### **St Joseph's Catholic Primary School, Burnham on Sea, Somerset**

Voluntary Aided primary, 2 August 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00227108/ada2447-sjp>

The oversubscription criteria overwhelmingly favour children who have attended a linked nursery, with other children having almost no chance of getting into the primary school. The Adjudicator ruled that these criteria must be removed since it unfairly disadvantaged a large set of applicants who failed to get into the nursery (which uses a first-come-first-served rule)/did not want to attend this particular nursery.

### **St James Church of England Voluntary Aided Primary School, Northampton**

Voluntary Aided primary, 12 August 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00227222/ada2430sjp>

The council complained that the school's oversubscription criteria favoured children who attended its nursery classes, citing that the criteria should not give priority to children on practical/financial basis. The school and the diocese both replied that a continuation of children from nursery to primary school is beneficial and that such rules are allowed if they did not unfairly disadvantage other applicants. The school aims to provide free nursery places and to have similar admission criteria in the nursery as the school, following this principle of being as fair as possible. However, the Adjudicator did find that the nursery places are part-time (so would not work for many families) and that in terms of perception, parents who did not attend local churches/go to the nursery feel that they have no chance of getting in. On balance, though laudable theoretically, the Adjudicator ruled that in practical terms it might disadvantage more children despite extra provisions.

### **St Gregory's Catholic Primary School, Northampton, Northamptonshire**

Voluntary Aided primary, 14 August 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00227260/ada2429sgc>

The introduction of a nursery criterion in the school's oversubscription criteria was the cause of the referral, but the Adjudicator also found a number of other violations. The school argued that children who attended the nursery were more likely to believe in the school's Catholic ethos and that given it was the seventh of nine criteria, it does not unfairly disadvantage children more than any other requirements. However, the Adjudicator found that the nursery's admission standards are not as fair as that of the school – the Admissions Code only allows for named feeder schools that are compliant with the Code.

The Adjudicator also found that the faith-based criterion was unclear, it for instance it requires regular attendance of Mass, but did not specify how regular. Likewise, there were no instructions for Ministers of non-Catholic denominations on deciding whether to support a non-Catholic child's application or not, whereas a Catholic priest can look to the Mass-attendance rule for guidance. The supplementary information forms also asked for non-required information such as previously attended nurseries/primaries and whether the child has taken Holy Communion. Though useful for

pastoral affairs, neither of the two questions here were necessary and the Adjudicator ruled them as contrary to the Code. Lastly, there was no final tie-breaker to decide between two applicants who live the same distance away from the school and the Adjudicator recommends the addition of a random allocation tie-breaker.

### **St Marks Church of England Primary School, Bournemouth**

Voluntary Aided primary, 16 August 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00227310/ada2479smp>

This school did not provide full-time places at Reception from September, providing only part-time classes until January of each year. The Adjudicator ruled that this was against legislation.

### **Kentish Town Church of England Primary School, Camden**

Voluntary Aided primary, 21 August 2013 (not upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00227475/ada2540kts>

The objector argued that the faith element of the oversubscription criteria are not reasonable, clear, objective or procedurally fair as required by legislation. She also contended that the number of places in the school allocated on the basis of faith does not reflect the community it serves (40% of all school places in Camden are faith places), but this is not within the Adjudicator's jurisdiction. The Adjudicator ruled that the faith criterion is in line with the Code and that the school has already taken action to remedy certain problems, such as children attending the local church receiving places ahead of other students' siblings.

### **Kentish Town Church of England Primary School, Camden**

Voluntary Aided primary, 21 August 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00227470/ada2436kts>

The same school was also subject to another referral, this time about the fact that it did not publish the consultation regarding admissions arrangements on its website and that it did consult with all its feeder nurseries/parents who attend the local church. The Adjudicator found that although the school acted in good faith to fix several issues via consultation, the letter of the law was not followed (they should have consulted the nurseries/parents as well) and so the objection was upheld. A number of other oversubscription criteria, such as one to increase the admission number of non-faith pupils, were also ruled to be unclear and need to be changed.

### **Chacombe Primary School, Northamptonshire**

Voluntary Aided primary, 21 August 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00227022/ada2425cps>

The local council argued that the seventh oversubscription criteria, which gave preference for a school place to children attending the school's pre-school, was against the Code. As the pre-school is an associated organisation which charges fees and its admissions determined by two people with no opportunities to appeal, the Adjudicator found the criterion to be unfair and upheld the objection. The Adjudicator also found that the first oversubscription criterion did not take into account previously looked after children and so needs to be changed.

### **St James's Church of England High School, Bolton**

Voluntary Aided secondary, 22 August 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00227442/ada2434sjh>

The objector complained about the relative priority of siblings of pupils compared to pupils offered faith places and the Adjudicator also discovered a number of other issues in the school's oversubscription criteria, such as it being unclear (the school used a very complex points system), stating that the SIF must be completed, awarding points for attendance at unnamed Church primaries and expecting parents "to allow their children to take part in all aspects of school life,

including worship'. Lastly, special arrangements were also in place to give a maximum of three places to students of the Bolton Wanderers Football Academy. All were violations apart from, the placement of the faith criterion above the sibling criterion, which is allowed under the Admissions Code.

### **Bishop Henderson Church of England Voluntary Aided Primary School, Taunton, Somerset**

Voluntary Aided primary, 22 August 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00227408/ada2456bhp>

The fact that this school gave priority in its oversubscription criteria to children whose parents are serving/who have served in the armed services and its procedures for when it is undersubscribed, that it would 'normally' admit all applicants up to the PAN (the Code says that the school 'must' do this), were both objected to by the Somerset County Council. Both contravened the Code, especially the former as it prioritised places based on parents' occupations, even though the local authority had already removed this criterion for 2014.

### **Hampden Gurney Church of England Primary School, Westminster**

Voluntary Aided primary, 27 August 2013 (partially upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00227467/ada2439hgs>

A number of issues were raised by a member of the public, such as the use of electoral roll membership in the oversubscription criterion, unfairness in the church attendance criterion (potentially requiring church attendance from when the child is two years' old), parents being interviewed by a parish priest (who is also a member of the school's governing body) during the process of getting a signature for the SIF and the lack of proper consultation prior to determining the admissions arrangements. The Adjudicator rejected the electoral roll complaint (as it was not a hobby/activity) and the unfairness of the church attendance criterion (although he did find the wording perhaps unclear for parent who had just moved to the local area), but upheld the other complaints.

### **The London Oratory School, Hammersmith and Fulham**

Secondary Academy, 28 August 2013 (partially upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00227439/ada2410tlo>

The BHA alleged that the school was prioritising parents who would practically support the Catholic Church (for example by doing flower arranging) in a manner not permitted by the school's Diocese, and did not appear to allow for the admittance of pupils from families with no religion (if the school was not sufficiently oversubscribed). As well as agreeing with all the main points of the BHA's complaint, the Adjudicator determined that the school's admissions criteria were also unfair and not easily understood, and breach the Code in a number of other ways, including asking to see predicted GCSE results, asking to see birth certificates and giving priority to pupils attending Catholic primary schools without naming specific feeder schools.

However, the objection that the school did not take into account the local Diocese's advice was not upheld, as it was demonstrated that the school did receive advice but developed its own definition of a practising Catholic.

See also the BHA's write-up at <https://humanism.org.uk/2013/08/29/schools-Adjudicator-london-oratory-school-must-overhaul-admissions-criteria-after-bha-complaint/>

The decision has since been challenged and looks set to be quashed and re-determined. See <https://humanism.org.uk/2013/11/05/london-oratory-school-challenges-schools-Adjudicators-decision-must-rewrite-admissions-policy/> and

<https://humanism.org.uk/2014/01/24/inconsequential-technicality-leads-quashing-schools-Adjudicator-decision-london-oratory/>

### **Draycott and Rodney Stoke Church of England Voluntary Aided First School, Draycott, Somerset**

Voluntary Aided primary, 29 August 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00227446/ada2450drs>

The objection is to criterion 3 of the school's over subscription criteria. This criterion gives priority to children attending Stepping Stones Pre-school, which is based at the school, at the time of application. The Adjudicator ruled that though the nursery reserves four places for vulnerable/disadvantaged children, it generally allocates places on a first come first served basis, which can lead to unfair admissions to the school itself.

### **Axbridge Church of England First School Academy, Somerset**

Primary Academy, 29 August 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00227452/ada2452afs>

The Council objected to the inclusion of a nursery priority criterion in the school's oversubscription criteria. Though the school is currently undersubscribed, in future this could lead to unfair admissions (due to first come first served admissions to the nursery) and the Adjudicator upheld the objection.

### **Halsall St Cuthbert's Church of England Primary School, Lancashire**

Voluntary Aided primary, 29 August 2013 (partially upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00227455/ada2435hsc>

This objector argued that the wording of this school's oversubscription criteria lacked clarity, specifically the faith criterion and the lack of space of signature on the SIF. Versions of updated guidelines for 2014 were also not uploaded online as soon it was changed, whilst many different versions for 2013 were available, which might cause confusion for parents. The faith criterion prioritised children who can demonstrate church attendance in the past six months, but failed to mention from what point this is mentioned (the governors clarified that this should be six months before application, but the version of the criteria available did not mention this). All objections were upheld apart from the signature issue, as the Code itself does not require a signature box on the SIF.

### **Christ Church Church of England School, Hertfordshire**

Primary Academy, 30 August 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00227458/ada2528ccs>

Hertfordshire County Council objected to the prioritisation of children attending the school's nursery class in the school's oversubscription criteria for the reception year group. The Adjudicator also discovered during the investigation that there was no tie-breaker criterion and the school had required both parents to sign the SIF. The Adjudicator upheld the objection, since giving school places to children attending the nursery would be unfair, and ruled that the various violations must be corrected.

### **Waverley Abbey C of E Junior School, Surrey**

Voluntary Controlled primary, 13 September 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00227967/ada2505smvc>

The Adjudicator found that this school carried out a very circumscribed consultation when it changed its admissions code and that its oversubscription criteria were not clear or fair. Particularly, a local infant school, St Mary's, will not be named as a feeder school, leaving it the only infant school without one, which would be unfair for these children in particular.

### **Our Lady and St Kenelm Catholic Primary School, Dudley**

Voluntary Aided primary, 17 September 2013 (not upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00228016/ada2477olsk>

An objection was made by a local parent because the school's catchment area was based on the local parish. He pointed out that the use by the school of the parish boundary as its catchment area means that some children living further away from the school, and in the area of a different local authority, have a greater chance of being admitted than other children who live nearer to the school and within the local authority area in which the school is situated. The Adjudicator rejected the objection on the grounds that the boundaries were drawn in accordance with the rules laid out by the Archdiocese, and because they only discriminated geographically among Catholics, there was no legal justification for them to be changed.

### **St Michaels CE Primary School, Hertfordshire**

Voluntary Aided primary, 18 September 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00228070/ada2530sms>

The objector refers to the use of inclusion in the school's nursery in the school's oversubscription criteria, something which was adjudicated against in 2012 in respect of another Hertfordshire school because it did not conform to the Code (case reference ADA/002263). The Adjudicator concluded that the inclusion of priority for admission to reception for pupils who have attended the school's nursery is unfair.

### **St Paul's CE Primary School, Hertfordshire**

Voluntary Aided primary, 19 September 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00228082/ada2531sps>

Both schools were found by the Adjudicator to have unfair oversubscription criteria as they favour children who attended the optional nursery. A number of other breaches were also discovered in the process, including the faith criteria being unclear.

### **Herne CE Infant School, Kent**

Voluntary Controlled primary, 3 October 2013 (not upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00228668/ada2545his>

The referrer complained that 'the criterion within the arrangements under which priority is afforded to children who have a sibling already attending the school is not clear, fair or reasonable.' The Adjudicator disagreed and concluded that the school's criteria meet the Admissions Code.

### **Christ Church New Malden C of E Primary School, Kingston upon Thames**

Voluntary Aided primary, 25 October 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00228949/ada2556ccnm>

'The objection is to the way in which the admission authority measures the distance from home to school in the school's oversubscription criteria for the reception year group.' As the school has separate infant and junior sites, distance from both sites should be considered equally, not just distance from the former. The Adjudicator agreed and determined that this aspect of the policy breaches the Code in being unfair. In addition, the Adjudicator found that the school had breached the Code 'in terms of consultation and publication of the admission arrangements for admission to the reception year in 2014.'

### **Pencombe CE Primary School, Herefordshire**

Voluntary Aided primary, 4 November 2013 (partially upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00229243/ada2555pps>

The objection was that there had not been consultation on the new admissions arrangements and that 'and that the school does not make a full-time place available to all reception age children' (i.e.

it only makes part-time places available). The second aspect was upheld; however, as there was in fact no change in the admissions arrangements, this part of the objection was not upheld. In addition, the Adjudicator found that 'the arrangements... do not comply with mandatory aspects of the Code, in that all looked after and previously looked after children will have the highest priority for admission to the school; this is not a matter at the discretion of the governing body. The arrangements published on the website are unnecessarily complex for parents to access, are undated and do not provide all the information that parents need to hand.'

### **Twyford CE High School, Ealing**

Secondary Academy, 29 November 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00228666/ada2549ths>

The referrer complained that the school was in breach of the Code in relation to three aspects of the arrangements. The first aspect was that the criterion for admissions for foundation (Christian) places had a points system that included points for 'the voluntary service given by a child's parent or carer to their Church.' Activities named included 'Bell ringing', 'Flower arranging at church', 'Assisting with collection/counting money', 'Tea & coffee Rota', 'Church cleaning', 'Church maintenance', 'Parish Magazine Editor' and 'Technical support'. The second aspect relates to the criteria for world faith/open places. Here too there was a points system which relates to serving refreshments, cleaning and preparing food at place of worship. The third aspect related to a view that the arrangements discriminate against parents who have no faith.

The Adjudicator concluded 'that the arrangements do not currently conform to the requirements relating to admission arrangements in respect of these two aspects of the referral.' In addition, the criteria were found to break the Code in specifically discriminating against those of no faith, in requiring participation in religious activities for the 30 places each year set aside as for those of 'World Faiths/No faith'. A number of further breaches were found, such as requiring both parents to put details on forms, and prioritising those with a lower door number in a block of flats over those with a higher number.

See also the Fair Admissions Campaign's write-up at <http://fairadmissions.org.uk/three-highly-discriminatory-cofe-secondaries-found-to-be-in-breach-of-admissions-code/>

### **Archbishop Blanch CE VA High School, Liverpool**

Voluntary Aided secondary, 29 November 2013 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00229857/ada2557abb>

Archbishop Blanch gave applicants points for 'Involvement of the family in Church life beyond simple attendance at weekly worship'. The meaning of this was not defined, but elsewhere there was reference to 'e.g. certificate of reception into the church, baptism, communion and confirmation certificates. Other evidence could include altar server certificates, or letters of support from Sunday School or Children's Liturgy etc.'

The Adjudicator determined that 'the admissions arrangements do not conform to the requirements of the legislation and the School Admissions Code in relation to the fact that parents must easily be able to understand how any faith-based criteria will be reasonably satisfied and priority must not be given on the basis of any practical support.' The school was found to also break the Code in eleven other places, including failure to consult.

See also the Fair Admissions Campaign's write-up at <http://fairadmissions.org.uk/three-highly-discriminatory-cofe-secondaries-found-to-be-in-breach-of-admissions-code/>

### **The Grey Coat Hospital, Westminster**

Secondary Academy, 29 November 2013 (partially upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00229851/ada2449gch>

Grey Coat Hospital gave points for 'Parent holding elected office in the church', 'Regular practical involvement by a parent in the church' and 'Regular involvement in other aspect of church life'.

The Schools Adjudicator determined that this constitutes requiring practical support to the Church, is unclear and in addition 'some families and especially single parent families could find it harder to get involved in church activities because the absence of a second parent to either take part in the scored activity, or to look after any siblings while another participates, creates child care and other issues.' A number of further aspects of the admissions criteria were found to also break the Code, including their general complexity.

See also the Fair Admissions Campaign's write-up at <http://fairadmissions.org.uk/three-highly-discriminatory-cofe-secondaries-found-to-be-in-breach-of-admissions-code/>

### **Hampstead Parochial CE Primary School, Camden**

Voluntary Aided primary, 5 December 2013 (Admission variation – approved)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00229967/var619hps>

'There is a shortage of primary school places in the London Borough of Camden (the borough) and the school has agreed to admit a one off bulge class of 30 in 2014. The governing body feels that it can best serve the local community by offering the additional places as open places. It is therefore seeking a variation that would enable it to offer the additional 30 places as open places using its current criteria for open places... The governing body and the diocese have clearly given careful thought to the needs of children and parents in the area and have proposed a sensible solution which I accept.'

### **Nottingham City Voluntary Controlled Primary Schools, Nottingham**

Voluntary Controlled primary, 9 January 2014 (Admission variation – approved)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00231191/var623ncv>

'The LA has requested two variations: 1) to remove criterion 5 from the infant/primary schools admission criteria (i.e. pupils attending the nursery of the school); 2) to increase the period of time the waiting list is kept open for infant, junior and primary schools, where it's not possible to offer a place at a school named by parents/carers.' Both of these changes were agreed to as sensible.

### **Our Lady of Peace Junior School, Slough**

Voluntary Aided primary, 29 January 2014 (not upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00231596/ada2565opjs>

The referral concerned the priority given to children who had attended Our Lady of Peace Infant and Nursery School, because of the fact that (it was alleged) that school in turn gives priority to pupils attending the nursery. However, as this is not, in fact, the case, the Adjudicator determined that this breaks the Admissions Code. On the other hand, the school was found by the Adjudicator to not have published its admissions criteria on its website; not comply with the law with respect to special educational needs and looked after children; asked for lots of unneeded information such as date of first communion, occupation of parents, the child's ethnicity, first language and free school meal eligibility, and whether the child has a SEN statement; and was otherwise unclear.

### **Our Lady of Peace Infant and Nursery School, Slough**

Voluntary Aided primary, 29 January 2014 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00231612/ada2570opis>

Following on from the referral of the Junior School (the previous determination), the Adjudicator decided to investigate the Infant and Nursery School as well. However, as this school gives no

priority for admission to children who have attended the nursery, there is no breach of the Admissions Code in this respect.

But the school was found to break the Code in a number of other ways, namely in not having published its admissions criteria on its website; incorrectly considering children with statements of special educational needs in its oversubscription criteria, when such children should in fact be considered separately; not giving priority to previously looked after children, or looked after children not living in the parish, and being unclear in this area; not allowing for places to be allocated to children whose parents do not 'wish their children to be educated in a Catholic tradition', even if the school is not oversubscribed; being unclear and unfair in giving priority to children of no faith over those of non-Catholic faiths who also live outside the parish; not defining what is meant by siblings; using a supplementary information form when all the information requested is already collected by the local authority; not including any tie-breaker; and not allowing admissions to reception to be deferred until the term the child turns five, or to be taken up on a part-time basis.

### **St Nicolas CE Infant School, Surrey**

Voluntary Aided primary, 3 February 2014 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00231723/ada2569sni>

The referral was made because priority was given to 'Children attending Child's Play pre-school or Fitzsimmons Place Nursery' – two fee-paying independent nurseries. This was found to be unfair and to be requiring parents to give financial support to another organisation in order to gain admission. Finally, the school was found not to have published its admissions policy on its website.

### **Broughton Hall High School, Liverpool**

Voluntary Aided secondary, 14 February 2014 (Admission variation – approved)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00231955/var626bhh>

### **Cardinal Heenan High School, Liverpool**

Voluntary Aided secondary, 14 February 2014 (Admission variation – approved)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00231958/var627chh>

### **St John Bosco Arts College, Liverpool**

Voluntary Aided secondary, 14 February 2014 (Admission variation – approved)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00231947/var624sjb>

### **St Edmund Arrowsmith RC Centre for Learning, Knowsley**

Voluntary Aided secondary, 14 February 2014 (Admission variation – approved)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00231950/var625sea>

These four schools submitted requests for the addition of three parishes (St Dominic for the first two, St Albert for the third, and St Columbia for the fourth) into their catchment areas. 'The closure of Christ the King school in Knowsley at short notice in 2013 resulted in three Catholic parishes not being part of the priority for admission area in any Catholic secondary school's admission arrangements. In order for the families in these parishes to have priority for admission to a Catholic secondary school these parishes needed to be reallocated to existing schools' arrangements and this variation provides part of those arrangements.' The adjudicator agreed to this.

However, she also determined that the criteria break the Code in other ways. In the case of Broughton Hall, the school was found to have inexplicable references to priority to those with brothers at the school (given that it is a girls' school), does not define what is meant by looked after children, and does not have a tie-breaker.

In the case of Cardinal Heenan, the school does not clearly define what it means by siblings, and does not have a tie-breaker.

Finally, in the case of St John Brosco, there was no tie-breaker.

### **Bristol Cathedral Choir School, City of Bristol**

Secondary Academy, 5 March 2014 (partially upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00232182/ada2573bccs>

### **Cathedral Primary School, City of Bristol**

Primary Free School, 5 March 2014 (partially upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00232185/ada2575cps>

With respect to the secondary, 'The referrer contends that the school has allocated more than ten per cent of places in year 7 as music specialist places [when no more than ten per cent is allowed]; that it has not carried out the pre-requisite consultations before changes were made to the arrangements; that there has been indirect discrimination based on socio-economic background; and in the final aspect the referrer questions the independence of the individuals who have overseen the operation of the random allocation of places.'

With respect to the primary, it was similarly alleged 'that there has been indirect discrimination based on the socio-economic background of some applicants; and that the school has not used an independent person to oversee the random allocation procedure.'

The Adjudicator did not agree. First, the secondary school takes to per cent of pupils on the basis of music specialism, and then eight more pupils who are members of the Cathedral Choir, but these last eight are not music specialist places but faith-based places. Second, there were in fact determined to be adequate consultations. The third complaint saw the referrer allege that as parents have to self-fund transport, and as the catchments are very large, this engenders socio-economic selection; but the schools were found to be well-located transport wise, and the complaint too hypothetical. Finally, the random allocation processes were found to be independently conducted and well-supervised.

The schools, however, was found to violate admissions policy in several other areas. First, pupils with statements of special educational needs were incorrectly included in the oversubscription criteria, and it was implied that the schools have discretion on whether to admit them when it does not. Second, the secondary school was found to admit pupils on the basis of musical ability, when the school only allows admission on the basis of aptitude. Third, the schools asked for full birth certificates, which is not permitted as it also contains personal details that are irrelevant and may lead to socio-economic selection. Fourth, the criteria were unclear in giving priority to children of employees, and fifth, for the secondary, in the system of banding. Sixth, the secondary school had not provided a published admission number for year 12, and seventh, incorrectly implied that musical ability selection happens at this stage. Finally, the secondary school did not provide the SIFs on its website, asked for information on both parents, and asked for unnecessary information such as 'the section on the specialist music application form that asks for details as to why applicants are interested in a music place'.

See also this post on the Local Schools Network website:

<http://www.localschoolsnetwork.org.uk/2014/03/pr-spin-playing-down-criticism-of-two-bristol-schools-by-admissions-watchdog-raises-wider-questions/>

### **The Trinity CE Primary School**

Voluntary Aided primary, 26 March 2014 (Admission variation – approved)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00232479/var632>

The school asked to vary its admissions policy to expand its catchment, which was approved. However, it was also found to fail to give priority to previously looked after children.

## **Schools not legally designated with a religious character**

### **Tudor Grange Academy, Solihull**

Secondary Academy, 28 August 2013 (not upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00227416/ada2421tga>

The Academy, which is not a faith school, decided to give priority to children attending a Church of England primary school with religiously selective admissions policies situated some distance away. Tudor Primary Academy, St James is the Church primary which is to become a feeder school, and is also sponsored by the secondary. It currently has admissions policies which allow up to 100% of pupils to be selected on the basis of religion. While the Schools Adjudicator found that the consultation on the new admissions criteria had a number of flaws, ultimately she also found that having the primary as a feeder school would not constitute unlawful indirect religious discrimination (which is illegal under the Equality Act 2010). This was because it was considered to be 'a proportionate means of achieving a legitimate aim', the aim being that 'Tudor Grange Academy is the sponsor of the feeder school with the aim to ensure that the feeder school will improve so that the quality of education provided and the standards achieved by the pupils will improve.'

### **Maharishi Free School, Lancashire**

Primary Free School, 9 July 2012 (upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00211806/ada2252mfs>

This school gave preference to pupils transferring from a school 'that is approved and supported by The International Foundation of Consciousness-based Education'. All schools on this list are fee-paying and so this contravenes the code. Another violation was the references to children participating in Transcendental Meditation in order to gain a place – the school had yet to correct the mentions of Transcendental Meditation from the admissions page when the report was written.

### **Maharishi Free School, Lancashire**

Primary Free School, 20 August 2012 (partially upheld)

<http://www.education.gov.uk/schoolsAdjudicator/decisions/database/a00213008/ada2372mfs>

The school did not provide clear information for the public and moreover, included references to parents also having to learn Transcendental Meditation within its admission arrangements, which were clearly against the code. However, by the time of the ruling the information had since been updated and because the information was on the local council's website, the referral was only partially upheld.