



Office of
the Schools
Adjudicator

Determination

Case references: VAR1460

Admission authority: The governing board for Baildon C of E Primary School, Bradford

Date of decision: 2 October 2020

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve with modification the proposed variation to the admission arrangements determined by the governing board for Baildon C of E Primary School for September 2021.

I determine that for admission in September 2021 the faith-based oversubscription criteria will be as described in this determination.

The referral

1. The board of governors of Baildon C of E Primary School (the school) has referred a proposal for a variation to the admission arrangements for September 2021 for the school, to the Office of the Schools Adjudicator. The school is a voluntary aided school with a Church of England religious character for children aged 3 to 11 in Shipley, Bradford.
2. The proposed variation makes changes to the faith-based oversubscription criteria and is made in the light of the Covid-19 pandemic. In the interests of dealing speedily with this and the many other requests for variations along the same or similar lines as a result of Covid-19 I have not considered other aspects of the admission arrangements. Therefore, nothing in this determination should be taken as indicating that other aspects of the arrangements do or do not conform with the requirements relating to admissions.

Jurisdiction

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which states that: "*where an admission*

authority (a) have in accordance with section 88C determined the admission arrangements which are to apply for a particular school year, but (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in circumstances occurring since they were so determined, the authority must [except in a case where the authority's proposed variations fall within any description of variations prescribed for the purposes of this section] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations”.

4. I have been informed that the required notification has taken place and I am satisfied that the proposed variation is within my jurisdiction.

The proposed variation and consideration of the proposed variation

5. Where the school is oversubscribed priority may be given on the basis of faith. The school's arrangements take account of attendance at places of worship. During the Covid-19 pandemic places of public worship have at some times been closed altogether and at other times not available for public worship or access to such worship has been restricted in the interests of public health. It is against that background that the request for a variation is made. The school's faith-based oversubscription criteria require attendance at public worship at least twice a month. Parents and their children are unable to meet this criterion.

6. The proposed variation provides that attendance will only have been required at times when places of public worship are open for such public worship by inserting the following words into the arrangements: *“In the event that during the period specified for attendance at worship the church [or, in relation to those of other faiths, relevant place of worship] has been closed for public worship and has not provided alternative premises for that worship, the requirements of these [admissions] arrangements in relation to attendance will only apply to the period when the church [or in relation to those of other faiths, relevant place of worship] or alternative premises have been available for public worship.”*

7. The variation refers to a *“period specified for worship”*, however, the arrangements do not specify any period during which worship should take place. Therefore, the arrangements do not conform with the various paragraphs in the School Admissions Code which requires arrangements and oversubscription criteria to be clear, objective and understood easily and the proposed variation is not consistent with the arrangements.

8. The proposed variation refers in square brackets to other faiths. No priority is given in these arrangements to members of other faiths. The part of the proposed variation in square brackets is therefore unnecessary.

9. I have decided to use my power under section 88E of the Act to modify the proposed variation as follows. *“In the event that during the period specified for attendance at worship (which is the year prior to the date of the application) the church has been closed for public worship and has not provided alternative premises for that worship, the requirements of*

these arrangements in relation to attendance will only apply to the period when the church or alternative premises have been available for public worship,”

10. It is beyond question that the Covid-19 pandemic represents a major change of circumstances. I am satisfied that the proposed variation is a pragmatic and appropriate response. I approve the variation modified as set out above in order to ensure that it is compliant with the Code and law relating to admissions.

Dated: 2 October 2020

Signed:

A handwritten signature in blue ink, appearing to read 'P. Whiffing', is displayed on a light grey rectangular background.

Schools Adjudicator: Phil Whiffing