

# Determination

Case reference: VAR1377

Admission authority: the governing board for St John's Upper Holloway Church of England Primary School in the London Borough of Islington

Date of decision: 28 August 2020

## Determination

**In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the governing board for** **St John's Upper Holloway Church of England 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 governing board for St John's Upper Holloway Church of England Primary School has referred a proposal for a variation to the admission arrangements for September 2021 for St John's Upper Holloway Church of England Primary School (the school), to the adjudicator. The school is a voluntary aided school for children aged two to eleven in the local authority area of Islington Council. The school has a Church of England religious character and the Diocese of London (the diocese) is its religious authority.
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

1. 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.*”
2. 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

1. 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 sometimes 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. Since the school’s oversubscription criteria include attendance at public worship of a specified frequency over a specified period of time, parents and their children are unable to meet this criterion under the terms of the school’s current admissions arrangements. In consequence the proposed variation provides that attendance will only have been required at times when places of public worship are open for such public worship.
2. The proposed variation is the addition of the following: *“In the event that during the period specified for attendance at worship the church 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 alternative premises have been available for public worship.”*
3. Two of the oversubscription criteria in the arrangements require regular attendance at a Christian church in order to be met. Criterion 3 includes children who regularly attend named churches with members of their family. Criterion 4 includes children whose parent regularly attend other Christian churches. The arrangements as provided to me included notes which provided definitions of what was meant by the two criteria but these were not entirely clear. In these circumstances it was not clear to me how the proposed variation would apply.
4. The diocese contacted the school on my behalf and I have been provided with amended arrangements which clarified the matters which I had raised. I have considered this case on the basis that the variation which is sought includes the amendments made to the arrangements as well as the insertion of the words suggested by the Church of England. The notes defining regular attendance for the two relevant criteria have been changed in the amended arrangements. There are now different definitions of regular attendance for the two criteria. The notes now say:

“*Criterion 3, regular worship by the child and the child’s family at one of the Archway group of churches, is defined as at least twice a month for a year.*

*Criterion 4, regular worship at other Christian churches, is defined as at least once a month for a year by a parent of the child.*

Furthermore, as relevant to criterion 3, the notes say: *“Children who worship with their family” is defined as children who attend full church services with their parents or grandparents, or who attend Sunday School while their parents or grandparents take part in the full church service and have done so at least twice a month for a year.”*

1. It is beyond question that the Covid-19 pandemic represents a major change of circumstances. I am satisfied that the proposed variation with the amended definitions as above is a pragmatic and appropriate response. I approve the variation.

Dated: 28 August 2020

Signed: 

Schools Adjudicator: Deborah Pritchard