



Office of
the Schools
Adjudicator

Determination

Case reference: VAR1654

Admission authority: the governing board for Trent Church of England Primary School in the London Borough of Barnet

Date of decision: 28 August 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 Trent 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 Trent Church of England Primary School has referred a proposal for a variation to the admission arrangements for September 2021 for Trent Church of England Primary School (the school), to the adjudicator. The school is a voluntary aided school for children aged five to eleven in Cockfosters. It is located in the local authority area of the London Borough of Barnet and is maintained by Barnet Council, although its postal address falls within Hertfordshire. The school has a Church of England religious character.
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 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.

6. There are seven oversubscription criteria in the arrangements of which three require regular attendance at worship at a Christian church in order to be met. These three criteria are differentiated by requiring a specific church or types of churches to be attended and by the period of attendance at worship. The periods of attendance at worship required vary between at least twice a month for at least 24 months immediately prior to the application to at least twice a month for at least 12 months prior to the application.

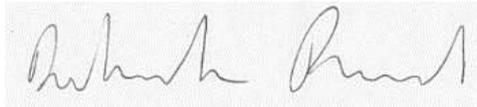
7. The proposed variation is the addition of the following: “*In the event that during the period specified for attendance at worship the church [or, in relation to those of other faiths, relevant place of worship] has been closed for public worship and has not provided alternative premises for that 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.*”

8. The Church of England has provided a form of words for admission authorities to use when they need to request a variation during this period. The form of words allowed for those admission authorities which use criteria giving priority to those of non-Christian faiths and it is these words that have been used in the proposal made to me. This is unnecessary in this case as the arrangements do not give priority to those of other faiths. I am therefore modifying the arrangements by removing the references to other faiths. The modified variation is the insertion of the following words into the arrangements: *“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.”*

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

Dated: 28 August 2020

Signed:

A handwritten signature in black ink, appearing to read 'Deborah Pritchard', is written over a light grey rectangular background.

Schools Adjudicator: Deborah Pritchard