



Office of  
the Schools  
Adjudicator

## Determination

**Case references: VAR1476**

**Admission authority: The governing board for St John's Church of England Primary School Mosley Common, Wigan**

**Date of decision: 26 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 St John's Church of England School Mosley Common 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 St John's Church of England Primary School Mosley Common (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 4 to 11 in Worsley, Wigan.
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 oversubscription criteria require fortnightly attendance at public worship at least 12 times in the year prior to application. Parents and their children may be unable to meet this requirement. 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. The proposed variation says “the required attendance will be adjusted pro rata. So, for example, if the church has been closed for 4 months in the 12 months up to the date of application, only 8 attendances will be required.”

6. The School Admissions Code requires that parents can understand easily how faith-based oversubscription criteria can be met. It is not clear how a period of closure which was for less than a whole month would change the minimum number of attendances required. I am therefore using my power under section 88E of the Act to modify the proposed variation to add at the end of the section of the variation quoted above the words “Any period of closure of less than one month will count a whole month.”

7. 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 above in order to ensure that it is compliant with the Code and law relating to admissions.

Dated: 26 August 2020

Signed: 

Schools Adjudicator: Phil Whiffing