



Office of  
the Schools  
Adjudicator

## Determination

**Case references: VAR1880**

**Admission authority: The governing board for Broxbourne CE Primary School, Broxbourne, Hertfordshire**

**Date of decision: 22 September 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 Broxbourne CE Primary School, Broxbourne, Hertfordshire, 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 Broxbourne CE 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 primary school in Broxbourne, Hertfordshire. The local authority for the area is Hertfordshire County Council. The school has a Church of England religious character and is in the Diocese of St Alban's (the diocese).

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 include attendance at Christian public worship at least thirty times over a period of two years prior to the deadline for submitting an application for a place. It is possible that some parents and children would have been “on track” to meet this requirement but have found themselves unable to do so because of church closures. 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. The following words are to be added to 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.”
7. The school’s arrangements do not set a required frequency of attendance, such as monthly or weekly. Rather, they require a total number of attendances over a period of two years. Against that background, I am considering this proposed variation on the understanding that what is intended is a proportionate reduction in the requirement for attendance. Thus, for example, if the churches had been closed for four months out of the 24 month period specified (that is one sixth of the period) the required number of attendances would be reduced by one sixth (that is reduced from 30 to 25).

8. 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.

Dated: 22 September 2020

Signed: 

Schools Adjudicator: Shan Scott