



Office of  
the Schools  
Adjudicator

**Case references: VAR1864**

**Admission authority: The Castle Church of England Federation for Victoria Church of England Infant and Nursery School, Berkhamsted, Hertfordshire**

**Date of decision: 23 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 Victoria Church of England Infant and Nursery School, Berkhamsted, 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 Castle Church of England Federation as the admission authority for Victoria Church of England Infant and Nursery School, Berkhamsted, Hertfordshire, (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 Berkhamsted, 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 give priority to Church of England children and to children of other Christian denominations and other faiths on the basis of attendance at public worship at least once a month for a period of at least a year prior to applying for a place at the school. 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 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. 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: 23 September 2020

Signed:



Schools Adjudicator: Shan Scott