



Office of  
the Schools  
Adjudicator

**Case reference: VAR1888**

**Admission authority: Suffolk County Council for the 38 Voluntary Controlled Church of England schools listed below:**

**Acton CEVC Primary School, Acton, Suffolk**  
**All Saints CEVC Primary School, Lawshall, Suffolk**  
**Barnham CEVC Primary School, Barnham, Suffolk**  
**Barningham CEVC Primary School, Barningham, Bury St. Edmunds, Suffolk**  
**Barrow CEVC Primary School, Barrow, Bury St. Edmunds, Suffolk**  
**Bawdsey CEVC Primary School, Bawdsey, Woodbridge, Suffolk**  
**Bedfield CEVC Primary School, Bedfield, Woodbridge, Suffolk**  
**Benhall St Mary's CEVC Primary School, Benhall, Saxmundham, Suffolk**  
**Bentley CEVC Primary School, Bentley, Suffolk**  
**Blundeston CEVC Primary School, Blundeston, Lowestoft, Suffolk**  
**Boxford CEVC Primary School, Boxford, Suffolk**  
**Bramford CEVC Primary School, Bramford, Suffolk**  
**Bures CEVC Primary School, Bures St Mary, Suffolk**  
**Capel St Mary CEVC Primary School, Capel St Mary, Suffolk**  
**Cavendish Church of England Primary School, Cavendish, Suffolk**  
**Cockfield CEVC Primary School, Cockfield, Suffolk**  
**East Bergholt CEVC Primary School, East Bergholt, Suffolk**  
**Elmsett Church of England VC Primary School, Elmsett, Suffolk**  
**Great Finborough CEVC Primary School, Great Finborough, Suffolk**  
**Great Waldingfield CEVC Primary School, Great Waldingfield, Suffolk**  
**Honington CEVC Primary School, Honington, Bury St. Edmunds, Suffolk**  
**Hopton CEVC Primary School, Hopton, Diss, Suffolk**  
**Kelsale CEVC Primary School, Kelsale, Saxmundham, Suffolk**  
**Kersey CEVC Primary School, Kersey, Suffolk**  
**Moulton CEVC Primary School, Moulton, Suffolk**  
**Norton CEVC Primary School, Norton, Suffolk**  
**Risby CEVC Primary School, Risby, Suffolk**  
**St Botolph's CEVC Primary School, Botesdale, Diss, Suffolk**  
**St Gregory CEVC Primary School, Sudbury, Suffolk**  
**Tattingstone CEVC Primary School, Tattingstone, Suffolk**  
**Thorndon CEVC Primary School Thorndon, Eye, Suffolk**  
**Thurlow Voluntary Controlled Primary School, Little Thurlow, Suffolk**  
**Walsham-le-Willows CEVC Primary School, Walsham-Le-Willows, Suffolk**  
**Whatfield CEVC Primary School, Whatfield, Suffolk**  
**Wilby CEVC Primary School, Wilby, Eye, Suffolk**  
**Worlingham CEVC Primary School, Worlingham, Beccles, Suffolk**  
**Worlingworth CEVC Primary School, Worlingworth, Suffolk**  
**King Edward VI CEVC Upper School, Bury St. Edmunds, Suffolk**

**Date of decision: 6 October 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 Suffolk County Council for the 38 Voluntary Controlled Schools listed above.**

**I determine that for admission in September 2021 the faith based oversubscription criteria will be as described in this determination.**

## **The referral**

1. Suffolk County Council has referred a proposal for a variation to the admission arrangements for the 38 voluntary controlled schools listed above to the Office of the Schools Adjudicator. The schools are all voluntary controlled schools. One is a secondary school for children aged 11 – 16 and 37 are primary schools for children aged 4 – 11. All of the schools are within the Diocese of St Edmundsbury and Ipswich (the diocese) and all have a Church of England religious character and the local authority has determined their arrangements to include faith based oversubscription criteria.

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

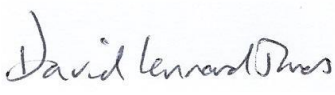
5. Where the schools are oversubscribed priority may be given on the basis of faith. The standard arrangements for each school determined by the local authority include criteria that take account of attendance at Church. During the Covid-19 pandemic churches have at some times been closed altogether and at other times not been 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 two of the oversubscription criteria in each of the school's admission arrangements include reference to regular worship in Church which is defined as attendance at least once a month, 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 the Churches are open for such public worship.

6. 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. However, the school's arrangements refer to regular worship which is at least at least once a month. The absence of a definition of how long monthly worship is required renders the arrangements unclear and the proposed variation is also therefore unclear. The Code requires that admission arrangements are clear. Following communication with the local authority and the diocese I therefore modify the proposed variation by adding an additional sentence to provide the necessary definition after the proposed variation as follows:

"In the event that regular attendance has not been possible because the church has been closed for public worship, and has not provided alternative premises for worship, the requirements of the admission arrangements in relation to regular attendance will only apply to a period when the church or alternative premises have been available for public worship."

"The arrangements refer to regular worship and this means worshipping at least monthly for a period of a year before the deadline for the submission of an application for a place."

Dated: 6 October 2020

Signed: 

Schools Adjudicator: David Lennard Jones