

Comments from respondents in support of the proposal
1. I agree but choice to not attend a catholic school should be considered. I would not want my child to attend a catholic school.
2. As a Mytchett resident The Wavell is by far my closest secondary school. Does this mean their catchment policy will change? I worry about sending my children on a 3 mile journey across town and if Wavell's policy changes their travel is much more manageable.
3. Wavell is my 2nd closest school but not in my catchment. We would like our children to go there.
4. It seems to make sense.
5. St Joseph's has taken kids who haven't even had it as a choice in for the last few years. Perhaps if people lived closer like the other primary schools in Epsom then there wouldn't be so much of a traffic/parking problem in the vicinity of St Joseph's as more kids could walk to school. I also think it's unfair for local families to have to travel further away just because someone else has gone to mass more.
6. Charters is easily accessible from Bracknell and it gives us an extra good option for us to consider.
7. It appears to mean that these schools will be included.
8. Congestion and pollution on surrounding roads caused by parents needing to drive as they live too far to walk to their children's school. School space shortages, meaning parents of local kids wanting local schools within walking distance are pushed to schools further away.
9. It's unfair discrimination.
10. As a resident and tax payer, I find it outrageous that faith schools are publicly funded yet remain selective to faith applicants. Faith primary and secondary schools routinely are listed among the top 10 state schools in Surrey, yet remain closed to non-faith residents who subsidise their success.
11. Absolutely. Faith schools should have children with the same faith. My daughter was laughed at the Catholic school by non-believer to not be trendy enough, and she was at year 4 when she just had her Holly communion. I strongly support this.
12. I think it is right that all children should have the chance to attend their nearest school and walk to school wherever possible. We should be looking to make it easier for children to walk/cycle to school to reduce pollution.
13. There is a huge on-going issue with parking and road chaos in the neighbouring roads. This is frequently raised by residents who are very irritated that so many of the children attending St Joseph's come from a long way away. Whilst appreciating their desire for their children to have an education in a Catholic School, for a good number of them, there is a much nearer Catholic School that has spaces. If the children attended a nearer school they would be able to walk there - physically and mentally healthier for them; there would be less impact on the environment from car engine fumes; the roads would be less congested; there would be less stress for parents driving their children to school and the residents of the roads surrounding the schools.
14. We live near the Wavell school and I think it should be considered as our nearest school, which is my understanding of this change.
15. This question is difficult to decipher. I think that it is important for children to go to school in their local area to build stronger communities. Additionally it is better for the environment if children go to a closer school and aren't travelling long distances.
16. I agree with this as Wavell is my nearest school but we can't get into it. Totally unfair as Surrey schools allow Hampshire children in.
17. The schools can't allocate the increasing numbers applying in the area as it is. I think it's an absolute outrage that this is even being considered!!
18. Religious denominated schools should not be allowed to maintain a different selection criteria to other state schools.
19. Richer families who can afford property nearer are more likely to get their chosen school over less wealthy families.
20. I do not believe it is right to include Catholic schools which do not accept non-Catholics in the nearest schools assessment.

21. For reasons of inclusion for all.
22. Schools should be available to those parents and carers who live the nearest, first and foremost. Selection has clearly been an issue, disfavoured those families that live nearer to the schools named and thereby disadvantaged by being unfairly excluded from a list of possible schools.
23. All schools should have to accept children that live nearby regardless of the religious beliefs.
24. Although we understand what SCC is trying to do, the methodology is crude and similar to that of using a 'mallet to crack a nut'. Under this criterion, SCC discriminates against faith schools that are excluded when assessing each child's nearest school. Most of the schools that are excluded are Catholic schools. In some areas of the county, there are more places than children. Because SCC's system looks over three consecutive years, it can easily overlook the fact that a school may not be full one year to another (which has other implications, including financial). This criterion disadvantages faith schools. The Diocese strongly believes that the Local Authority should therefore remove this discriminatory criterion as soon as possible. In our understanding, other large local authorities such as Kent do not use such a criterion such as this.
25. I feel there are not enough school places all ready, I feel putting these schools on the list for people closest will help eliminate this problem. And in turn help reduce unnecessary traffic on the roads.
26. I find it appalling that catholic faith allows children to be prioritised for access to these often excellent schools. I know several families who have pretended to be catholic in order to gain a place and stop attending church once they are admitted. Please take this opportunity to stop this farcical admission process.
27. All schools should be the same. Why would some schools have different admission criteria? More explanation probably needed of why this happens, or why it is being changed.
28. Charters School is the closest school to our house, but as we live over a county border we are currently excluded from the admissions zone. I don't believe it to be fair or appropriate to restrict admissions based on county divisions as opposed to total distance from the school.
29. Pressure on school places in all areas and parents should be able to select nearest school. Risk otherwise is that next nearest non-excluded school is too far away for them to have a reasonable hope of a place, leaving them with limited options. Seems to me that the change would level the playing field for all, regardless of faith.
30. It's fair to consider it nearest when majority of local people won't meet the admission criteria.
31. Religious schools should be a choice based on faith not proximity.

Comments from respondents opposed to the proposal	
1.	I believe these schools should have a changed admissions policy to accept children based on locality to school, as do most other schools. I believe their admissions policy based on ranking children in order of religious belief discriminatory to those of different or no religious belief. Of which my family fall into the latter, but our closest school St John the Baptist would never receive a place due to ranking in admissions. Why are they being removed, when in fact if policy changed, many more pupils could in fact just get a place at their nearest school.
2.	I think schools should be there for the local people and exclusions should not be in place.
3.	Children should go to the nearest school. I am less than one mile away from a church aided school, walking distance, yet would not have got my children in due to religious categorisation. However, children living tens of miles away coming by train and car get priority. The church funds very little in the grand scheme of things in the school and has too much power in dictating who is admitted. It detracts from a community working together. Why should a child living in Capel attend an Ashtead school? I assume this an issue in the schools named above.
4.	Our two elder children attend St Joseph's, which we chose primarily for the fact that it is the only catholic faith school in the area. Our faith is very important to us both spiritually and culturally. Our third child is not yet of school age but we do not wish her to be excluded from the opportunities for spiritual development that the other children have and essentially discriminated against because we live in a different post code.
5.	Why are you proposing this? You are excluding children the chance to go to their local school and be part of their local community based on religious beliefs. The church should stand for welcoming anyone who wishes to be a part of the school if they qualify on the distance criteria like everyone else, these schools should not be allowed to take preference based on race, religion or beliefs. They should stand for being a pillar of the local community.
6.	This is a list of exclusionist schools, and I find it abhorrent that they should seek to "game" the system to exclude children on any grounds other than proximity. Why should I pay my taxes to facilitate religious segregation in state funded education? It is an absolute disgrace that the religious belief of a parent should have ANY bearing on their child's opportunity to access education. Shame on them, and shame on you for even countenancing it.
7.	The proposed changes would negatively impact and discriminate against non-catholic children that live in area where the one of the listed faith schools would be the 'nearest school'. Referred to here as 'Affected Children'. My understanding is that Affected Children would be subordinated in the selection criteria for the catholic schools as such schools would prioritise children of faith who attend Catholic mass. Affected Children would be subordinated in the selection criteria of mainstream primary schools to children for which such mainstream primary school is the 'nearest school'. This leaves Affected Children disadvantaged in the school selection process and discriminated against in favour of Catholic children. Is that even legal? In any case even if the Catholic schools accepted Affected Children, it does not seem appropriate that such children have their 'nearest school' as a faith school which I suspect has a high level of religious content taught as the truth. This could lead to the children of Affected Children being excluded from portions of the school day or being confused/ feeling excluded/ sinful etc.
8.	I am concerned that unless the removal of The Wavell coincides with them removing their catchment area, or changing it to include surrey, this has no benefit for anyone who lives in Surrey and has Wavell as their closest school. In fact it could be detrimental to them getting a Surrey school they want. My closest school is Wavell and we would appreciate being able to get a place there as my children could walk to school, something which I believe is part of the reason for the local school policy in the first place. But if they retain their current catchment area then making it our closest local school doesn't help us as we have no way of getting in unless numbers dramatically fall from within the catchment. At the same time the school we would choose instead which is Kings International is not increasing its intake, but does accept applications from Hampshire, so we can only hope to get a place by distance. We live equidistant between Ash manor and Kings, but although Ash Manor are increasing their intake it

<p>may not be the school we wish our children to attend. I am concerned this new proposal has not benefit to Surrey residents and am not sure why it is happening.</p>
<p>9. St Thomas of Canterbury is a Catholic school which according to its Admissions policy aims to provide a Catholic education for all pupils where Catholic doctrine and practice permeates every aspect of the school's activity. This is totally unsuitable and not wanted by families who do not support Catholic beliefs. This school is therefore not a viable option for many families so should not be counted as such.</p>
<p>10. All Catholic schools!!! Discrimination?</p>
<p>11. If a parent selects St Joseph's Catholic Primary in Epsom as first choice then they are at a disadvantage if they do not fulfil the entrance requirements of the school. The removal would therefore be deceptive and unfair on the applicant.</p>
<p>12. This will mean non catholic children finding themselves having no priority to any schools and therefore unlikely to get school places in any school near their address.</p>
<p>13. If oversubscribed, unless the criteria for admission to these schools are changed then it could lead to our child being not accepted (due to faith) and having the second choice school (only 600m away) not being the 'closest' school and therefore meeting only the final criterion on both schools admission list - i.e. the distinctly horrible phrase "Any other children".</p>
<p>14. Why should they be removed people still live near them and should have priority.</p>
<p>15. From experience distance from home to school means nothing it is deemed reasonable when given a school that was not a choice and then used against me when applying for a sibling to attend same school. Why make life harder for parents.</p>
<p>16. School places are in short supply don't remove ten possible schools.</p>
<p>17. We are practising Catholics but it was not clear to me how this amendment will impact the admission policy for families who are part of the parish and regularly go to church. To understand the proposal fully, it would be necessary to publish the amended admission criteria for these schools with this change reflected, as has been provided for the schools in the original consultation. Specifically it should make clear whether the nearest school assessment will take precedence over practising Catholics or if this will just be applied to non-practising catholic applicants in years that there are places for this group.</p>
<p>18. In an age where there is ever increasing pressure of time on families local schools should be open to intake from their immediate communities regardless of the parents religion. Priority should be that children are able to walk to school and parents should be able to get their children into their nearest school to ease pressure from family life, better quality of life, less cars on roads. This matches Surrey County Council's efforts to ensure better life and balance for children and reducing environmental impact given the council's climate emergency declaration.</p>
<p>19. People need to be able to go to a local school, it's easier and better for all concerned.</p>
<p>20. It is not fair to expect children and families who are not religious to have to apply for a religious school. It is discriminating against those who are not religious but happen to live closer to a religious schools than any other school. They would be so far down the criteria list on an oversubscribed year that they would not get a place, very stressful for a family. Religious schools are there for those who practice their faith and wish their child to attend a school where the faith runs through the curriculum.</p>
<p>21. Making St Joseph's Catholic Primary School in Epsom a 'closest school' will have a number of negative effects for the area around the school, especially for children of non-faith. In the past 3 years this school has given offers to less than 5 pupils who are considered in the 12th category on their admissions criteria. Firstly this will mean any students for whom the school is considered their closest but are non-faith have a very slim chance of getting in under this last criteria, and it is possible on any given year there will be no places offered to children of no faith, as preference is given to children in 11 other categories. St Joseph's in Epsom is a Catholic school and is audited by both Ofsted and it also has a Catholic audit, it is a heavily religious school and parents of non-faith may have a strong aversion to sending their children to this school. This will mean that for the families in this area, they will not have a school which they are very likely to get into if they have a strong preference against sending their children to a religious school. The next closest school, Stamford Green is very oversubscribed, and</p>

although the school is the next closest the families will have a very slim chance of being given a place, resulting in long travel times and a lottery for which school will have places for 'any other children'. I can't stress enough that it doesn't make sense for a school with less than 5 places on average for children of non-faith to be considered a closest school for the tens or hundreds of families which this change will affect. Also in any given year there may not be any places available at the closest school as children of faith are given preference in 11 different categories. The policy to make schools considered as a closest school if they have had admissions from 'any other children' for three consecutive years doesn't make sense to me, I can't see how this policy is helpful to parents or students, it creates a lot of uncertainty around the school admissions process, and doesn't make it any easier for pupils of non-faith who do want to go to the school able to get in as the admission numbers are so low.

22. Including faith schools with such a strong religious element, as the Catholic primary schools in question are, in the nearest school policy is unfair on families that either are not of that religion or are atheist. A number of Catholic faith schools include strong elements of their religion in all parts of their teaching which would be against an atheist's or other religion's beliefs, and including these schools in calculations of nearest school greatly increases the chance of being forced to go to that school, whilst also greatly diminishing the chances of going to another (non-faith) school that is no longer one's nearest school, but might be only slightly further away.

Including faith schools with their own faith-based admission criteria within nearest school categorisation is deeply unfair as many people would not meet the faith-based admission criteria so would not be offered a place at the school. However, as the faith-based school is considered their nearest school and they can't list any other school as their nearest, they are also far less likely to receive a place at another school as priority is given to nearest school applicants, and they would have to apply to the other school under the next criteria down (Any Other Applicant), for which many popular schools do not offer any places.

Catholicism is not the state religion of this country, so the state should not be forcing people to attend these schools, which it will be in effect by changing these schools to be part of the nearest school policy. This is not a reasonable state policy and would be no different to allowing schools of other non-state religions such as Islamic, Jewish or Hindu schools to be counted as a nearest school. These schools provide a service for those who actively want their children educated within their religion's framework, but that should remain as a personal choice of the parents not a decision driven by a policy.

Bringing in this policy change in 2021 is also too soon as it is unfair on families that have already moved to and bought houses in the area based on the existing admissions policy who may now be forced to send their children to a faith school instead of the school they knew they would be guaranteed a place in under the admission criteria at the time they bought their house.

23. If you specifically want your child to be educated at a faith (Catholic) school, you cannot always find one in close proximity. If parents are willing to travel to ensure their child is educated in their faith I believe they should be allowed. Disallowing this is discriminatory.

24. St Peter's Catholic Primary School is excluded from the list, and therefore this should not apply to any schools.

25. For all the reasons outlined in my, and other parents, collective complaint to the council in October 2019 concerning St. Josephs primary in Epsom. Below is the detailed complaint.

We are concerned about a change in Surrey's primary school admission arrangements for 2020, specifically in the borough of Epsom and Ewell.

The change we would like to object to is the inclusion, for the first time, of St Joseph's Catholic Primary School in Epsom in the 'nearest school' assessment. Because St Joseph's is now considered our 'nearest school', Stamford Green Primary School is not. However St Joseph's is a voluntary aided faith school that does not include 'nearest school' in their admissions criteria, so children in our neighbourhood who are without faith or who do not regularly attend church will now have low priority when applying to all local primary schools in Epsom, which are historically oversubscribed. As our children will be particularly disadvantaged because they are without faith, we see this as indirect religious discrimination. We also feel that Surrey County Council

did not fulfil their requirements to consult publicly on this change to admission arrangements, as none of us knew about it until it was too late to voice our concerns or file an objection with the OSA before the deadline. We have evidenced our arguments below and listed our contact information at the end of this letter.

WE OBJECT TO THIS CHANGE IN 2020 ADMISSION ARRANGEMENTS AS IT WAS UNLAWFUL ON TWO GROUNDS:

1. This change to our 'nearest school' is unfair and therefore does not conform with the requirements of the law relating to it, namely paragraphs 14 and 1.14 of the School Admissions Code ; and
2. This change was not sufficiently consulted on and therefore does not conform with the requirements of the law relating to it, namely paragraphs 15 and 1.42-1.45 of the Code

IN RELATION TO POINT 1:

We believe the inclusion of St Joseph's Primary School in the 'nearest school' assessment for admission arrangements in 2020 is unlawful because it is not fair, amounting to indirect discrimination of non-faith children by the local authority and resulting in low priority for admission to all local primary schools in Epsom.

The Equality Act of 2010 legally protects people from discrimination. It covers non-belief or a lack of religion or belief, stating that one must not be discriminated against because he/she is (or is not) of a particular religion. Indirect discrimination happens when there's a practice, policy or rule which applies to everyone but which puts one at a disadvantage because of his/her religion or belief. Under the Equality Act, the deciding party from Surrey County Council had the Public Sector Equality Duty to consider how this change in admission arrangements would specifically disadvantage non-faith children, who will get pushed into a lower priority criterion at their nearest non-faith school as a direct result. However the Equalities Impact Assessment published on 17 September 2018 does not address the issue of 'nearest school' assessments or how the inclusion of a voluntary aided faith school could impact children without faith.

As a voluntary aided school, St Joseph's Catholic Primary School is legally allowed to use faith-based criteria when prioritising pupils for admittance when they are oversubscribed. The admissions criteria and capacity for St Joseph's has not changed from 2019 to 2020. For families of no faith, applications would be considered under criterion 12 "Any other children". The number of children admitted within Criterion 12 over the past three years was very small, according to the data published in 'Allocation of Reception School Places in the Borough of Epsom and Ewell' (2 pupils in 2017, 6 pupils in 2018 , 4 pupils in 2019). This suggests that St Joseph's will not likely have the capacity in September 2020 to sufficiently accommodate all non-faith children for whom it is now considered their 'nearest school'. The fact that the council now considers St Joseph's our 'nearest school' does not increase our small chances of being admitted from within Criterion 12.

In addition to maintaining low priority at St Joseph's, our children will now have low priority when applying to all other local schools as a direct result of this change. Previously, our official 'nearest school' was Stamford Green Primary School which is historically oversubscribed. According to the data from 2019, our neighbourhood would have been admitted to Stamford Green within Criterion 4 "Nearest School". However now that the council has changed our 'nearest school' to St Joseph's, we will have to apply to Stamford Green within Criterion 5 "Others by Distance". Stamford Green has not admitted any children from this criterion in recent years, so one may assume that our chances of being admitted within that criterion in 2020 are also very small.

This is unfair, as children who live further away from Stamford Green Primary School (but for whom it is their nearest school), would still fall within Criterion 4 and therefore be offered places ahead of our children, who live much closer to Stamford Green Primary School and would have been within the polygonal catchment in previous years. This is consistent with the view of Schools Adjudicator Phil Whiffing, as outlined in point 25 of determination ADA3589 (9 October 2019) when considering a parallel issue, "If part of the current catchment area was removed

from the polygon, then unless the catchment area for another school was increased to include that area, children living there may find that they have low priority for all local schools because they did not now live in any catchment area at all... ”

In this determination, Schools Adjudicator Phil Whiffing also decided that the definition of ‘nearest school’ as defined in Section 12 of the ‘Admission arrangements for Surrey County Council’s community and voluntary controlled schools 2020/21’ is not clear or objective, and therefore does not conform with paragraphs 14 and 1.14 of the Code. The definition states, “Under this criterion all Surrey community and voluntary controlled schools will be considered, as will most academies and foundation, free, trust and voluntary aided schools...For the normal intake to a school in 2020, the nearest school will be defined as the school closest to the home address with a published admission number for children of the appropriate age-range and which has admitted children without regard to faith or boarding in the initial allocation of places in 2016, 2017 and 2018.”

As the definition of ‘nearest school’ is unclear, it is open to interpretation when determining which voluntary aided schools should be considered a ‘nearest school’ (the definition says that MOST voluntary aided schools are included, not ALL of them). It is our interpretation that St Joseph’s does not fall under this definition as it does not offer places to children “without regard to faith”. Although the school has admitted a limited number of children of no faith, they are a voluntary aided school whose entire admissions policy is centred around one’s faith. They prioritise children of faith before non-faith children, which is why we will have to apply within the lowest priority criterion even if it is our official ‘nearest school’. It is not fair to include a voluntary aided school in the ‘nearest school’ assessment for community and voluntary controlled schools which firstly admits children on the basis of faith (without regard to which parish they live in) and then occasionally has space to admit a few local children on the basis of a non-faith criterion afterward. The practices and criteria that Surrey County Council used to decide the allocation of school places are not fair, clear or objective, and therefore are not lawful.

IN RELATION TO POINT 2:

We have been informed by the Office of the Schools Adjudicator that Surrey’s 2020 primary school admission arrangements were determined (agreed) by Full Council on 5 February 2019 and that the deadline to object to the OSA for 2020 arrangements was 15 May 2019. However we did not become aware of this change until September 2019, when a concerned local parent started digging deep into admission documents online to realise that Stamford Green Primary School was no longer considered our ‘nearest school’. At no point has this change in admission arrangements been communicated to the local community and the council only provided general information about the school admissions process to parents via leaflets at local nurseries in September 2019. Correspondence with one of our local councillors, Bernie Muir, also suggests that this change and its implications were not known to the councillors representing the ward it impacts. Therefore we do not believe Surrey County Council has met the legal requirements to publicly consult on this significant change in admission arrangements, as outlined at points 15 and 1.42-1.45 of the School Admissions Code.

The Code states that, “When changes are proposed to admission arrangements, all admission authorities must consult on their admission arrangements (including any supplementary information form) that will apply for admission applications the following school year...Admission authorities must consult with: a) parents of children between the ages of two and eighteen; b) other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions; c) all other admission authorities within the relevant area”....“Failure to consult effectively may be grounds for subsequent complaints and appeals”.

We have asked the admissions team from Surrey council several questions relating to how they consulted on this change in admissions arrangements, how the impact of this change was assessed and how it was communicated to the local residents it would affect. We were told that Surrey council does not undertake impact assessments when including a voluntary aided faith school in the ‘nearest school’ assessment for the first time, but that they consulted according to

the requirements of the Code. However no one from the council has specified exactly how they consulted or with whom.

The Equalities Impact Assessment states, “Schools which have changes being proposed have been consulted on the changes.” However we spoke with a member of the admissions team at St Joseph’s (we are able to provide a name, if needed) who was not aware that the school was no longer excluded in the ‘nearest school’ assessment. St Joseph’s should have been consulted because this is likely to impact the number of students who apply for 2020 intake and the reason they apply. Non-religious parents may put St Joseph’s as a preference in their upcoming primary school applications because they feel it is the only nearby school they have a chance of getting admitted to (though chances are small within criterion 12, chances are even smaller within criterion 5 at Stamford Green) and not because they prefer the Catholic approach to education. Within criterion 12, St Joseph’s may now admit non-faith students because its proximity is convenient for them, whose parents do not wish for their children to be involved in prayers, worship or other RE aspects of the curriculum. When we questioned the council why they did not consult with St Joseph’s Primary Catholic School before including it as a ‘nearest school’, they told us that because it’s a voluntary aided school it has its own governing body in relation to admissions. This substantiates our claim that it should not be included in the assessment of ‘nearest school’ for community and voluntary controlled schools.

Surrey County Council did not only fail to consult properly with the school that this change will affect, they also failed to consult properly with the public. The Equalities Impact Assessment states, “The consultation is the opportunity to engage with parents and the wider school community. As part of the consultation process the proposed admission arrangements and coordinated schemes will be widely publicised both on the County Council website and in schools and nurseries.” As parents living in the neighbourhood which this change directly affects, we were not informed of the proposed changes or of the consultation which occurred in 2018. We are first-time parents, which is why we have low priority for admissions (otherwise we would be applying within the sibling criterion at Stamford Green and thus have higher priority). As first-time parents we did not know that we should have been looking at the Surrey County Council’s website two years before our children were due to begin attending primary school. Nor did we know that changes like this occurred at all. Nothing was advertised to us at our local nurseries, children’s centres, playgroups, or library and none of our neighbours knew about it. Without knowledge of the consultation, we had no chance to voice our concerns or file an objection with the OSA before the deadline. As the council did not sufficiently advertise public consultations on the proposed changes, this change itself was not sufficiently consulted on and therefore does not conform within the requirements of the law.

In addition to these two main points of challenge, we stress that the current admissions arrangements are not clear. It has taken a considerable amount of time and energy to find, link together and interpret various documents, annexes to the documents and maps (which are on different pages of Surrey council’s website). We also needed to ask several questions from the council staff and the OSA before we could understand the 2020 admissions arrangements, notice this change in St Joseph’s ‘nearest school’ status and appreciate how we will be disadvantaged as families of no faith during the admissions process.

CONCLUSION

We have recently seen the proposed admission arrangements for 2021, and the definition of ‘nearest school’ has not changed. In fact, Surrey County Council has proposed to remove 6 more Catholic primary schools from the list of schools that are excluded when assessing a child’s ‘nearest school’. The council has done another Equalities Impact Assessment for these proposed changes to the admission arrangements but they have failed again to consider the impact this will have on children without faith. We therefore ask that the Chief Schools Adjudicator for England uses their power under S881 of the School Standards and Framework Act 1998 to consider whether changing our ‘nearest school’ to St Joseph’s Catholic Primary School conforms with the requirements of the law, and whether the definition of ‘nearest school’ within the admission arrangements is fair and objective.

We collectively submit this letter as a concerned group of parents and residents of the Stamford Ward of Epsom and Ewell, whose children are due to start primary school in September 2020. We have copied in Bernie Muir (the Conservative County Councillor for Epsom West and Borough Councillor for Stamford Ward) and Chris Grayling (MP for Epsom and Ewell).

26. By removing the ten schools from the list, I believe that you will distort the perception of local people who may then believe that as our school is their closest and that they have a good chance of gaining a place. The availability of spaces in our school to children who are not Catholic is minimal each year. Some of those in the historical data are in fact siblings of previous non Catholic entrants. Unusually, I have seen many people of school tours this year who have been impacted upon by SCC proposals, already believing that they will get a place here because it is their closest school. If they make their application basis they stand a fair chance of not gaining a place in another local school. So on the basis that it distorts the messages for local people, I consider that the proposal should not go ahead for St Joseph's Epsom.

27. I'm not sure why you would remove schools when deciding which schools are closest to a family home, surely they should all be included. What is the reason for exclusion?

28. 2. By way of background, the National Secular Society first became involved in this case in October 2019 while providing casework support to a group of ten families (though there were likely to be others) affected by changes to Surrey Council's admissions policies then proposed for the September 2020 entry.

3. The families wished to have a fair chance of being successful in their applications to Stamford Green (a community-ethos primary school) for September 2020 entry. Given oversubscription in the area (17 local primary schools are oversubscribed), their research showed that their best (if not only realistic) chance is if they are considered under criterion 4 (nearest school). This was put in doubt by the council decision to remove St Joseph's Catholic Primary School - Epsom & Ewell from the list of schools that would be excluded when assessing each child's nearest school.

4. The council subsequently took the decision to delay the removal of St Joseph's Catholic Primary School - Epsom & Ewell until the September 2021 entry, in order to properly consult and to comply with the school adjudicators ruling (case reference ADA3589) that this decision rendered the admissions policy unclear. Copies of our correspondence with the council on this matter are available on request.

5. Two of the families who would have been affected by these changes had they taken place in September 2020 have provided the following statements. They are straight the impact the changes in 2021 are likely to have on local families.

6. Resident A: "The decision to change St Joseph's to be classified as a nearest school would have impacted our family in multiple ways. Our nearest school in previous years was Stamford Green. Our location makes it such that if Stamford Green was not a realistic option (which would likely be the case if we no longer fell into their nearest school criterion), we would have been hugely disadvantaged since there is no obvious alternative for us and we are a non-faith family. St Joseph's admission figures for the last few years suggest that we would have a very small chance of getting in as a non-religious family, which was confirmed during a school tour whereby the headmistress mentioned anecdotally that she was surprised that there had been non-faith children admitted recently. Also noticeable on the tour was the Catholicism strand which felt very much embedded throughout. If the school is to be classified as a nearest school, the admissions criteria should be revisited and changed to reflect the religious makeup (including non-religious families) of the likely catchment area."

7. Resident B: "The proposal to include St Joseph's Catholic Primary School in the 'nearest school' assessment will have significant implications for families in our neighbourhood with children due to start school in 2021. If St Joseph's is considered a family's 'nearest school' the closest non-faith school, Stamford Green Primary School, will not be. St Joseph's is a voluntary aided faith school, their admission criteria heavily prioritise those of faith and does not include 'nearest school' in their admissions criteria (applications for children of no faith would be considered under criterion 12, the lowest). These families' applications to Stamford Green

school would be considered under criterion 5 'any other children' (a lower criteria than previously), no children have been admitted under this criterion in recent years. The change will negatively affect the chances of children in our neighbourhood getting into the nearest non-religious school significantly; however, it does not improve the chances of them getting into the nearest religious school (only 4 non-faith pupils were admitted to St Joseph's in 2019). As all primary schools in Epsom are oversubscribed this will potentially have the effect of putting our neighbourhood in a no man's land for school catchments, with children being offered places at undersubscribed schools a significant distance away. This will have a major impact on families and the local community. In addition, some non-Catholic families will be very uncomfortable with the idea of their children attending a Catholic school (where, for example, attendance at Mass is part of weekly life) and therefore St Joseph's is not a school they consider to be a reasonable option. I am aware of at least 10 families who would have been negatively affected by this change if it had been brought in for 2020 admissions (although there are likely to be more), so presumably there will be a similar significant number affected if this change takes effect for 2021 admissions."

8. Surrey Council follows the common practice of maintaining a list of excluded schools which due to their status are not considered when determining the nearest school for the purposes of admissions criteria. In the past, most voluntary aided schools have been included. The purpose of such exclusion lists is to ensure that parents are not disadvantaged in applying for their local suitable school by the presence of schools including faith schools which would not be suitable. The removal of eight voluntary aided faith schools from this list runs directly counter to this purpose. The council's justification for this has been that in the last few years very small numbers of pupils (in some years a single pupil) have been admitted under non-faith criteria. No evidence has been provided that the schools are in any way more inclusive in terms of their ethos or admissions.

9. Parents for whom the faith schools may be geographically closest, will be disadvantaged in their application to community ethos schools. Analysis of the council's own admissions data shows that families who do not share the faith of these schools are extremely unlikely to get places even if they were to list them as a preference. In any case these schools will be unsuitable or at least undesirable for those families not seeking a distinctively Catholic faith-based education.

10. There is a small risk that if designated as a local school, families wishing to apply for places at local community ethos schools may be assigned one of the faith schools against their wishes. For example, in September 2019 in England 20,644 pupils were assigned faith school places despite non-faith preference, including more than 4,300 assigned schools outside of any of their ranked choices. Being forced into a faith school against parental wishes undermines families' Article 8, Article 9 and Protocol 2 Article 1 rights.

11. We note that the council's accompanying equalities impact assessment for this consultation incorrectly states that there is "No evidence of any negative impact", despite the clear potential for these changes to disadvantage families who do not share the religion of the voluntary aided faith schools removed from the exclusion list. Such a failure to properly assess the impact on groups with protected characteristics casts serious questions over the integrity and thoroughness of the consultation process. This is particularly inexcusable as the consultation was updated to take account of the school adjudicator's ruling and following correspondence with multiple families detailing how they would be negatively impacted by the proposed changes, and that the negative impacts were directly related to their debt characteristics of religion and belief.

12. Families who do not share the faith of the voluntary aided school are (a) unlikely in areas such as Surrey given current over subscription data to gain a place at such a school and are (b) unlikely to see schools with a rigorous religious ethos which runs counter to their own as suitable, many will assume that such schools continue to be excluded from the assessment of their nearest school.

13. In the school adjudicator's decision regarding (case reference ADA3589) Stamford Green Primary School and others, it was found that "the definition of nearest school in the arrangements is not clear or objective". This was because of the then decision to remove St

<p>Joseph's Catholic Primary School - Epsom & Ewell from the exclusion list for September 2020. The decision to delay this removal till September 2021 (along with the intention to remove other similar faith schools from the exclusion list) does not address the question of whether admissions policies to VC and community schools which will be affected are "clear or objective". It therefore does not address the adjudicator's concerns and will leave the council' September 2021 admissions vulnerable to similar legal challenge.</p>
<p>29. I believe that schools nearest to any child should not exclude them</p>
<p>30. Unless you remove all of the voluntary aided schools.</p>
<p>31. This proposal effectively discriminates against specific faith schools on the basis of data relating to a period of three years which may well change. The current arrangements should remain in place as they have reflected the priorities of faith schools in a fair fashion over varying positions of pupil numbers.</p>
<p>32. Children may end up having to travel further than necessary when they could potentially be better placed at one of these schools. I think individuals should be given the choice as to whether or not a Catholic school is included in the assessment for that individual. A tick-box saying "do / don't" included these schools (/Catholic schools) when assessing my child's nearest school would suffice.</p>
<p>33. This change would be unfair and therefore does not conform with the requirements of the law relating to it, namely paragraphs 14 and 1.14 of the School Admissions Code. It is unfair because it amounts to indirect religious discrimination and may leave some children without priority at any local school.</p> <p>For example, St Joseph's Catholic Primary School in Epsom (the school which would affect my community) is a voluntary aided faith school that does not include 'nearest school' in their admissions criteria, so children in our neighbourhood who are without faith or who do not regularly attend church would then have low priority when applying to all local primary schools in Epsom, which are historically oversubscribed. As these children would be particularly disadvantaged because they are without faith, this is indirect religious discrimination.</p> <p>The Equality Act of 2010 legally protects people from discrimination. It covers non-belief or a lack of religion or belief, stating that one must not be discriminated against because he/she is (or is not) of a particular religion. Indirect discrimination happens when there's a practice, policy or rule which applies to everyone but which puts one at a disadvantage because of his/her religion or belief. Under the Equality Act, the deciding party from Surrey County Council has the Public Sector Equality Duty to consider how this change in admission arrangements would specifically disadvantage non-faith children, who will get pushed into a lower priority criterion at their nearest non-faith school as a direct result. However the recent Equalities Impact Assessment does not address the issue of 'nearest school' assessments or how the inclusion of a voluntary aided faith school could impact children without faith.</p> <p>As a voluntary aided school, St Joseph's Catholic Primary School is legally allowed to use faith-based criteria when prioritising pupils for admittance when they are oversubscribed. The admissions criteria and capacity for St Joseph's has not changed. For families of no faith, applications would be considered under criterion 12 "Any other children". The number of children admitted within Criterion 12 over the past three years was very small, according to the data published in 'Allocation of Reception School Places in the Borough of Epsom and Ewell' (2 pupils in 2017 , 6 pupils in 2018 , 4 pupils in 2019). This suggests that St Joseph's will not likely have the capacity to sufficiently accommodate all non-faith children for whom it would then be considered their 'nearest school'. The fact that the council would consider St Joseph's a pupil's 'nearest school' would not increase their small chances of being admitted from within Criterion 12.</p> <p>In addition to maintaining low priority at St Joseph's, these children would then have low priority when applying to all other local schools as a direct result of this change. Previously, the official 'nearest school' for our neighbourhood was Stamford Green Primary School which is historically oversubscribed. According to the data from 2019, our neighbourhood would have been admitted to Stamford Green within Criterion 4 "Nearest School". However if the council changes our</p>

'nearest school' to St Joseph's, we would have to apply to Stamford Green within Criterion 5 "Others by Distance". Stamford Green has not admitted any children from this criterion in recent years, so one may assume that chances of being admitted within that criterion in the future are also very small.

This is unfair, as children who live further away from Stamford Green Primary School (but for whom it is their nearest school), would still fall within Criterion 4 and therefore be offered places ahead of these children, who live much closer to Stamford Green Primary School and would have been within the polygonal catchment in previous years. This is consistent with the view of Schools Adjudicator Phil Whiffing, as outlined in point 25 of determination ADA3589 (9 October 2019) when considering a parallel issue, "If part of the current catchment area was removed from the polygon, then unless the catchment area for another school was increased to include that area, children living there may find that they have low priority for all local schools because they did not now live in any catchment area at all..."

In this determination, Schools Adjudicator Phil Whiffing also decided that the definition of 'nearest school' as defined in Section 12 of the 'Admission arrangements for Surrey County Council's community and voluntary controlled schools 2020/21' is not clear or objective, and therefore does not conform with paragraphs 14 and 1.14 of the Code. The definition states, "Under this criterion all Surrey community and voluntary controlled schools will be considered, as will most academies and foundation, free, trust and voluntary aided schools...For the normal intake to a school in 2020, the nearest school will be defined as the school closest to the home address with a published admission number for children of the appropriate age-range and which has admitted children without regard to faith or boarding in the initial allocation of places in 2016, 2017 and 2018."

As the definition of 'nearest school' is unclear, it is open to interpretation when determining which voluntary aided schools should be considered a 'nearest school' (the definition says that MOST voluntary aided schools are included, not ALL of them). It is my interpretation that St Joseph's does not fall under this definition as it does not offer places to children "without regard to faith". Although the school has admitted a limited number of children of no faith, they are a voluntary aided school whose entire admissions policy is centred around one's faith. They prioritise children of faith before non-faith children, which is why children in our neighbourhood would have to apply within the lowest priority criterion even if it is their official 'nearest school'. It is not fair to include a voluntary aided school in the 'nearest school' assessment for community and voluntary controlled schools which firstly admits children on the basis of faith (without regard to which parish they live in) and then occasionally has space to admit a few local children on the basis of a non-faith criterion afterward. The act of removing these Catholic primary schools from the list of schools that are excluded when assessing a child's nearest school is not fair, clear or objective, and therefore not lawful.

34. Wavell still gives priority to children within their catchment area. Surrey schools give priority to children who chose their closest school. Wavell is our closest school but we are highly unlikely to get in as we are outside catchment and the school is oversubscribed. Our next closest school is Ash Manor, which currently we get priority at as Wavell is excluded. If Wavell is no longer excluded then we stand no chance of getting in to Wavell but drop right down the priority at Ash Manor, so could very well not get a place there either.

35. If I have read the question correctly this would now mean that the schools listed above would be counted in to parents 'nearest' schools. As a non-Catholic member of society I would not want my children going to a Catholic School and I do not believe in the Catholic way for our family. I have no issues with others and their beliefs but I want them to go to a school of all faith equally. I do not feel the curriculum is right for my children and I feel it is important that parents have a right to choose when it comes to religion. I agree that all faiths should be taught to support open mindedness and equality in society.

36. School places are at a premium in our area and so to remove a school close to us (St Josephs) will impact on availability of places for local children and our two neighbouring schools (Stamford green and Southfield park)

37. I would like my third child to attend Charters in 2020 as I already have 2 children there. It is my closest school.
38. St Cuthbert Mayne is the only Catholic school in the vicinity of Cranleigh. The other schools are C of E. I feel it's important for those with religious needs to be catered for by a school which can meet those. However, there are more school spaces needed locally, especially at Year 3 entry so distance may need to be a consideration but after religious needs.
39. Surrey's proposal to include Wavell in their assessment of linked school could be disadvantageous to some of your children. If all Surrey children for whom Wavell is the nearest school applied, inevitably some would be refused and have no priority for any school. We are also concerned that it will be give Surrey families a false impression that they have priority for Wavell when this is not the case
40. Removing church schools from the list will affect those living in the area whose parents do not want to send their children to faith schools. The school of concern to me is St Joseph's in Epsom. From my understanding intake at St Joseph's will not increase leaving the non-faith children the most effected. Intake at St Joseph's is only 60 and from my understand in the school intake year 2018/19 they only took 2 non-faith children and this hardly amount to a significant proportion of their intake to change the policy. If this change goes ahead it will move children down the criteria list at Stamford Green meaning children living further away from Stamford Green will have a higher priority that those living on the roads listed above. This then in turn would result in them being placed in schools further away.
41. I, and my family, are not religious. It is clear that St Joseph's, and probably the other Catholic schools on the list, are very religious schools - from their homepage and from their mission statement it states: <ul style="list-style-type: none"> - We place prayer and worship at the centre of everything we do. - We value equality of relationships and seek to recognise God in each other. - We are a Catholic community of learners striving for excellence in all our efforts. It also states: <ul style="list-style-type: none"> - We place religious education, prayer and worship at the centre of our community. Our Catholic faith underpins our daily work and what we teach the children is central to our decision-making. There are daily prayers and weekly liturgy, and mass on 'Holy Days of obligation'. The admission criteria for the school are heavily skewed towards practising Catholics, stating 'The school was set up primarily to serve the Catholic community in the parish of Epsom'. There are 12 admission criteria, as a non-religious family our children would be in the final category, 'Any other children'. In previous years I believe no more than a small handful of children have been admitted under this category - 4 in 2019, 6 in 2018, 2 in 2017, 4 in 2016. Therefore, for St Joseph's to count as our nearest school it would mean that the nearby (in our case, only 3 meters further away) non-religious Stamford Green Primary would not count as our nearest school. This would grossly and unfairly affect us and any similarly non-religious family in this area, giving us the choices of either: <ul style="list-style-type: none"> - trying to get a place at St Joseph's, which would be unlikely due to the small chance of getting a place under category 12 of the admission arrangements, but more importantly the whole ethos of the school being inappropriate for a non-religious family, or - being forced to take a place at whichever school was not so oversubscribed as to only offer places to those for whom it counts as a nearest school, which would probably be some distance away and less likely to be a highly performing school, as the high performing schools are usually over-subscribed and only offer places to those for whom it is their nearest school. It is my view that no school with where the admission criteria prioritise children on the basis of religion should count as a 'nearest school' - I would not want my child educated at a school that places religion at the very core of its ethos, and where the majority of other children practise that religion, whatever that religion may be, and I strongly believe that deciding that my child should not be educated at a religious school should not have a negative impact on my school choices, as it would do if St Joseph's were to count as our nearest school.

42. Firstly, I think this is very badly worded and does not clearly explain the impact on parents and schools. This requires a lot of investigation to truly understand. Secondly, I believe a voluntary aided school should not be included as they could have very restrictive criteria based on religion that could leave families with no available 'nearest school'.
43. Why reduce the accessibility of schools when there is a shortage.
44. I think this may confuse people living close to the school who will then believe that they have a chance of attending the school. There are very few places that are given each year to non-Catholics and some of those are siblings of existing non catholic entrants. I think it would give rise to more frustration and not lessen it as people may put it as first choice and not get it and the lose out on a more appropriate school. On the basis that it will create confusion and potentially frustration for local residents I would not recommend that St Joseph's Epsom should be put on the list.
45. All schools should have the same admissions criteria.
46. I am non-religious and I do not think it is appropriate to include schools whose whole identity and ethos is overtly religious in the assessment of nearest school. This disadvantages non-religious parents who wish their children to attend a non-religious school as this moves them further down the admissions criteria for those schools. It is also not appropriate to include religious schools in the assessment of nearest school if their admissions criteria prioritise religious applicants from further afield.
47. I object to the inclusion of St Joseph's Catholic Primary School in Epsom in the 'nearest school' assessment. This will adversely affect non-faith families for whom St Joseph's would be classed as their nearest school, as any application they make for a place at a non-faith school (eg. Stamford Green Primary School) would therefore be considered under a lower priority criteria (as it wouldn't be their 'nearest school', which is taken account of in the admission criteria). However St Joseph's is a voluntary aided faith school that does not include 'nearest school' in their admissions criteria, so children in our neighbourhood who are without faith or who do not regularly attend church would have low priority when applying to all local primary schools in Epsom, which are historically oversubscribed. Children will be particularly disadvantaged because they are without faith, therefore I see this as indirect religious discrimination. The proposed inclusion of St Joseph's Primary School in the 'nearest school' assessment for admission arrangements in 2021 is unlawful because it is not fair, amounting to indirect discrimination of non-faith children by the local authority and resulting in low priority for admission to all local primary schools in Epsom. This proposed change to does not conform with the requirements of the law relating to it, namely paragraphs 14 and 1.14 of the School Admissions Code. This reason may also apply to the proposal to remove the nine other schools from the 'excluded' list.
48. I would not want my child to go to a Church school even if it was my nearest school.
49. You mention that "Historically The Wavell did not allocate to children outside their catchment but this appears to have changed" but I am not sure on what this statement is based? Our inflow data from 2018-19 shows that only 3 Surrey children 'got in', which was lower than the year before. In the main admission round for entry to Year 7 in September 2019, only two Surrey children were offered places at Wavell. Six were refused places based on distance. The forecasts for The Wavell School, which has a PAN of 200, show that there is likely to be more pressure from Hampshire children in their feeder schools. The catchment numbers do show some potential for some Surrey children to be accommodated, but not in huge numbers. Even if some were to gain places, the inclusion of Wavell in the assessment of nearest school still feels wrong to us. If all were to apply for whom Wavell is the nearest school, those refused would have no priority for any school which seems unfair. We are also concerned that it will be confusing for parents who might be under the impression that they have priority for a place at The Wavell School when this is not the case.