



**Press Release on behalf of The London Oratory School**

## **The London Oratory School vindicated as Judge Rules Schools Adjudicator acted unlawfully and unreasonably**

High Court Judge Mr Justice Cobb today found that the Schools Adjudicator in his determination of the admissions procedures of The London Oratory School has been “unlawful and/or unreasonable” in key areas.

In particular he ruled that the Adjudicator’s finding that the School’s admissions criteria unfairly disadvantaged children from less well-off families was wrong. The Judge pointed out that the Adjudicator's finding was based on "flawed and/or deficient reasoning" and that he "reached this conclusion by a mix of flawed reasoning and unfair process".

The London Oratory School was founded in 1863 for the Catholic community, across the whole of London. Whilst located in Fulham it draws boys from 40 local education authority areas with almost 50% from ethnic minorities. The School is very popular and heavily oversubscribed. Concerned to limit its intake of students by random draw, a number of oversubscription criteria are applied, some of which relate to the Catholicity of applicants.

The flawed Adjudicator's determination originated from a complaint brought by the British Humanist Association ('BHA') in the spring of 2013. The Adjudicator’s findings went far outside the BHA's objection and made a 'root and branch' attack upon the School’s admission arrangements both for 2014 and 2015 and, in particular, its use of religious oversubscription criteria.

The School’s Governors decided to initiate legal action and today’s judgment fully justified that decision. The Judge found the Adjudicator's approach rejecting the School's faith based admissions criteria to be based on an "erroneous approach” and he struck down several other aspects of the Adjudicator's determination as being based on legal errors or reached by reasoning which could not be regarded as sustainable, as well as criticising the Adjudicator for "verging on the pedantic".

The Judge said it was “highly regrettable” that two Schools Adjudicator investigations undertaken in relation to the School since May 2013 have now been shown flawed in material respects. He said that the Adjudicator’s approach to his task in some respects had been unlawful and/or unreasonable, and cannot stand. He added “This will be of little comfort to the School which has, I am sure, found this process extremely challenging.”

The School’s solicitor, Ane Vernon, commented: “The allegation, which made headline news, that the School was socially selective and discriminating against less well-off families has been hurtful to staff, pupils and parents. This damaging allegation has been found by the Judge to be wrong and unfair, and the finding vindicates the robust approach the School has had to take against the Office of the Schools Adjudicator.”

The School’s Headmaster, Mr David McFadden, said “The Judge's decision supports us in continuing to preserve the School's ethos and serving Catholic families throughout the whole of London. It is profoundly regrettable that the School - and other schools - have to expend precious resources, year after year, in standing up to the Office of the Schools Adjudicator. These are key resources that should go to our children’s education and their future, not overturning ultimately flawed and unmeritorious decisions. Schools within the state sector have serious questions to ask about the adjudication process.”