

DETERMINATION

Case reference: VAR/000599

Admission Authority: Buckinghamshire

Date of decision: 12 March 2013

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I agree to the proposed variation to the admission arrangements determined by Buckinghamshire County Council, the admissions authority, for Waddesdon Village Primary School, a community primary school. The variation is to decrease the published admission number for Year 3 from six to two for admissions in September 2013.

The referral

1. Buckinghamshire County Council, the local authority, (the LA) which is the admission authority for community and voluntary controlled schools, has referred a variation to the Adjudicator about the admission arrangements for Waddesdon Village Primary School, (the School), a community school, for September 2013.
2. The variation that has been requested is to decrease the published admission number (the PAN) for Year 3 from six to two for September 2013.

Jurisdiction

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 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”.

I am satisfied that the proposed variation is within my jurisdiction.

Procedure

4. In considering this matter I have had regard to all relevant legislation, guidance and the School Admissions Code (the Code).

5. The documents I have considered in reaching my decision include:
- the determined arrangements of the LA for 2013/14 and the proposed variation to those arrangements dated 14 February 2013;
 - the response from Westcott Church of England School;
 - minutes of the governing body meeting of the School held on 10 October 2012 at which the proposed change was considered;
 - a copy of the LA's Primary Admissions Booklets for 2012 and 2013;
 - the LA's Schools' Bulletin 21 January 2013;
 - maps of the area; and
 - the Net Capacity Assessment for the School.

Background and Consideration of Factors

6. The School currently has a PAN of 26 for the relevant age group, that is, for admission to the reception class (Year R), plus six places for entry into Year 3, the second relevant age group for entry to the school, which have traditionally been made available to enable pupils to transfer from the nearby Westcott Church of England School, (Westcott), which was a voluntary controlled infant's school and a named feeder school until September 2012.

7. In March 2012 following the requisite period of public consultation, statutory proposals were published to change the status of Westcott to a voluntary aided school and to extend the upper age range from 7 to 11 years of age over a period of four years, to establish a primary school. The governing body plans to develop the school by adding a new year-group each year between September 2012 and September 2015.

8. A statutory notice was published after the six week consultation period and as there were no representations the Cabinet Member for Education and Skills agreed to the proposal in August 2012. It is evident then that the decision to change the age range of Westcott was made after the LA had published its admission arrangements for 2013 for community and voluntary controlled schools.

9. As a result of the change from an infant phase to a primary school, those pupils completing Year 2 at Westcott in 2012, who in previous years might have elected to transfer to the junior provision of the School, instead remained on the roll at Westcott in Year 3.

10. The governing body of the School is now concerned about the possible impact that the changes at Westcott might have on to the future total number

of pupils on roll. The LA agrees that the impact could have a detrimental effect on the long-term viability of this small school and it is therefore seeking a variation to the arrangements it has determined for admissions to the School in September 2013. It wishes to change the published arrangements so that the current PAN of 26 for Year R plus six places reserved for pupils transferring from Westcott into Year 3 is changed to a PAN of 30 for Year R plus two places for pupils applying for admission in Year 3.

11. Increasing the PAN for the relevant year group, that is, for Year R from 26 to 30 does not require a variation. The Code says in paragraph 1.3 'For a community or voluntary controlled school, the local authority (as admissions authority) **must** consult at least the governing body of the school where it proposes either to increase or keep the same PAN.....' The LA has consulted the governing body of the School, which supports the proposed increase of the PAN for Year R to 30. However the Code goes on to state in paragraph 3.6, '.....A variation to increase a school's PAN is not required to be referred to the Schools Adjudicator.' I have no jurisdiction in this aspect of the LA's request to vary arrangements for September 2013. The LA has the power to make this decision and to implement the change.

12. This leaves me to consider the request to a variation to reduce the PAN for Year 3 from six to two at the School, as a result of the statutory proposal to establish junior phase provision at Westcott, but also to take account of the fact that the number of places for admission to Year R will be increased from 26 to 30.

13. The School has a net capacity assessment (NCA) of 209 spaces and an indicated admission limit (IAL) of 206 and if the LA were to admit up to the current PAN the total roll number on roll would reach 206. While this variation relates only to admissions in 2013, it is notable that with a revised PAN of 30 in Year R plus 2 in Year 3, in future years there is the possibility that the LA would have to admit up to 218 pupils, a figure which is in excess of both the NCA and the IAL. As the arrangements for 2014 have not yet been determined I have jurisdiction to consider only the determined arrangements for admissions in September 2013. When the LA determines the arrangements for 2014 and future years it will be able to change its PAN if it wishes, as provided for in paragraph 1.3 of the Code.

14. The LA has consulted all schools in this rural area about its proposal and has received no objections. It has provided detailed information about pupils' admissions, pupil number projections and the admission numbers of all schools within a three mile radius of the School, including the additional junior phase provision at Westcott. In the light of the changing circumstances of the school this proposed variation is in my view reasonable and indicates that no parent or school will suffer any detriment as a result of the impact of the combined changes made by the decision of the LA to increase the Year R PAN to 30 and my decision to agree to the request to vary and decrease the PAN for Year 3 from six to two.

Conclusion

15. The LA has been working closely with the governors of the schools within the same local area, firstly to assist Westcott to extend its upper age range from 7 to 11 years of age and secondly to make some minor adjustments in the light of additional junior phase provision at Westcott, to the Year 3 PAN at the School and there have been no objections to this proposed minor variation. In my view for this reason and those outlined above, this proposal to vary the PAN for Year 3 from six to two is both transparent and reasonable.

16. In accordance with section 88E of the School Standards and Framework Act 1998, I agree to the proposed variation to the admission arrangements determined by Buckinghamshire County Council, the admissions authority, for Waddesdon Village Primary School, a community primary school. The variation is to decrease the published admission number for Year 3 from six to two for admissions in September 2013.

Date: 12 March 2013

Signed:

Adjudicator: Mrs Carol Parsons