

DETERMINATION

Case reference: VAR/000597

Admission Authority: The Governing Body of St Paul's Church of England Primary School, Leamington Spa, Warwickshire

Date of decision: 16 November 2012

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 body of St Paul's Church of England Primary School.

I determine that from September 2013:

- the oversubscription priority of siblings out of priority area will be category 3;
- the priority area for the School will include the short section of Lillington Road between Wathen Road and Binswood Avenue, which will be a shared priority area with Lillington Nursery and Primary School.

The referral

1. The governing body of St Paul's Church of England Primary School (the School) has referred a request for an in-year variation to the Adjudicator about the admission arrangements (the arrangements) for the School, a voluntary aided primary school, for September 2013. The proposed variation is:

- To change the oversubscription priority of siblings out of priority area from category 6 to category 3; and
- To make a minor alteration to the priority area - to include a short section of road containing 16 houses which would be a shared priority area with another local primary school.

Jurisdiction

2. 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".

3. 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 and the School Admissions Code (the Code).

5. The documents I have considered in reaching my decision include:

- a. the request for the variation submitted by the School as an in-year variation form on 5 October 2012;
- b. a map showing schools in the local area as supplied by Warwickshire County Council (the Council);
- c. a street map of the catchment area as supplied by the School;
- d. information about the consultation process during 18 June to 10 August 2012 regarding the School's proposed variation and the responses;
- e. the minutes of the governing body meetings dated 3 May and 27 September 2012 when the arrangements and proposed variation were approved;
- f. the response from the Council regarding the variation request and any impact on other local schools, by email dated 26 October 2012;
- g. the response from the Diocese of Coventry Board of Education (the Diocese) regarding the variation request;
- h. the "proposed admissions policy 2013-14 May 12" as supplied by the School;
- i. the "admissions policy 2013-14 V2" as supplied by the School; and
- j. a copy of the Council's composite prospectus for parents seeking admission to schools in the area in September 2012, as downloaded from the Council's website.

Background and consideration of factors

6. The School has a published admission number (PAN) of 45 children into Reception and 52 part-time into the nursery. The governing body of the School has applied for a variation to change the oversubscription priority of siblings out of priority area from category 6 to category 3 as a result of a

significant increase of within-catchment applications for September 2012. Had the governing body not agreed to a temporary increase in the number of admissions for September 2012, some of these applications would have resulted in a number of siblings out of priority area not being offered a place, which would have been distressing to them and to their families. The governing body seek to avoid a similar situation developing in September 2013 when high numbers within the priority area are also projected.

7. As part of the variation request, the governing body also propose to make a minor alteration to the priority area by including the short section of Lillington Road between Wathen Road and Binswood Avenue, which would be a shared priority area with Lillington Nursery and Primary School. Although this short section of Lillington Road contains only 16 houses, this boundary would bring the vicarage of the local parish church within the School's priority area.

8. The intention to request this variation was agreed by the governing body at their meeting on 30 May 2012 following detailed advice about the process from an admissions officer of the Council.

9. The School worked closely with the Council in putting together the proposed changes to the admissions arrangements. The governing body produced a consultation document with a timescale of 16 June to 10 August 2012 which was available on the School's website, with copies available in the School foyer, and letters were sent to all parents and to the Diocese.. The Diocese has confirmed consent for the changes proposed.

10. The Council confirms that the consultation document was published on the Council hub, and that copies were sent to all 61 schools within the Warwick and Leamington area, to the professional associations, and to local County Councillors. The local MP and the Department for Education were also notified of the proposed change.

11. The School confirmed that five responses were received, with only one of these being an objection from Lillington Nursery and Primary School which was concerned about how the sharing of what was a section of its own priority area might be perceived in the local community, particularly at a time when its expansion was being funded directly by the Council.

12. Responses in support of the proposed variation to move the criterion for siblings out of catchment to a higher priority commented on the benefits to the emotional well-being of families already contributing to the School and to the St. Paul's Church family. It is the case that situations change and families do sometimes have to move out of catchment after their first child has started primary school, so that allocating a higher priority to siblings out of catchment would avoid multiple school pick-ups, and avoid the need to change siblings to another school when they had already settled into routines and friendships.

13. The Council said that the change in boundary seems sensible as it will allow the vicarage for the parish church to fall within the priority area for the School.

14. The Council confirmed that the minor addition to the School's priority area will be shared with Lillington Nursery and Primary School. The Council also stated that Lillington Nursery and Primary School is to expand with effect from September 2013, but said that although the timing of the proposed variation for the School also with effect from September 2013 is perhaps unfortunate, no adverse impact is predicted as the School is not looking to increase its PAN. Accordingly the Council confirmed it has no objection to the proposed variation.

15. Having considered the responses to their consultation document, the governors of the School confirmed in the minutes of their meeting of 27 September 2012 their unanimous agreement to submit the proposed variations to the Adjudicator.

16. The School has exceeded the legal requirement when seeking a variation to its determined arrangements by conducting a consultation rather than simply meeting the requirement to notify the relevant bodies of its intention to request a variation.

17. In the version of the arrangements entitled "admissions policy 2013-14 V2" at oversubscription criterion 1, the governing body had rightly amended the wording of the priority for looked after children to include previously looked after children in the terms set out in the Code at paragraph 1.7, and it is this wording that must appear in the final version of the 2013-14 arrangements.

18. As the governing body are seeking to change the priority for admission for siblings from out of priority from priority 6 to 3 in order to increase the chance of these children being allocated a place, I question why it has 10 oversubscription criteria. I also question the priority given in criterion 9 to children who attend the nursery provision at the School. I am of the view that such priority if it were applied would probably fall foul of paragraph 1.9e of the Code. The governing body can use its powers to amend its arrangements to achieve compliance with the Code.

Conclusion

19. I am satisfied, on the basis of the evidence available to me, that changing in the oversubscription priority of siblings out of priority area from category 6 to category 3 is an appropriate and measured response by the governing body as many parents will want the children in their family to attend the same school.

20. On the evidence available to me, I am persuaded that the proposal to include in the priority area a short section of road containing 16 houses, is logical and sensible. I am satisfied with the compromise that this short section would be a shared priority area with the other local primary school.

21. Reassured by the Council that the proposed variations will have no adverse impact on neighbouring schools, I therefore approve the proposed variations.

22. The final version of the 2013-14 arrangements must now be corrected to reflect the detail of this determination and published on the School's website.

Determination

23. 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 body of St Paul's Church of England Primary School.

24. I determine that from September 2013:

- the oversubscription priority of siblings out of priority area will be category 3;
- the priority area for the School will include the short section of Lillington Road between Wathen Road and Binswood Avenue, which will be a shared priority area with Lillington Nursery and Primary School.

Dated: 16 November 2012

Signed:

Schools Adjudicator: Cecilia Galloway