



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case reference:** VAR794 St Mary the Virgin Church of England Primary School

**Admission Authority:** The governing board of St Mary the Virgin Church of England Primary School, Hartfield, East Sussex

**Date of decision:** 10 January 2019

### **Determination**

**In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the governing board for St Mary the Virgin Church of England Primary School, Hartfield, East Sussex.**

**I determine that for admission in September 2019 the Published Admission Number will be 15.**

**I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements for admission arrangements in the ways set out in this determination.**

**By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of this determination unless an alternative timescale is specified by the adjudicator. In this case I specify a deadline 31 January 2019**

### **The referral**

1. The executive headteacher of St Mary the Virgin CE Primary School, (the school) has referred a variation to the Adjudicator about the admission arrangements for admission in 2019. The Chair of the Governing Board confirmed that the request had been made on behalf of the governing board. St Mary the Virgin Primary School is a 4 to 11, Church of England, voluntary aided primary school in Hartfield, East

Sussex. The referral requests a reduction in the Published Admission Number (PAN) from 20 to 15 for admissions in September 2019.

### **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, guidance and the School Admissions Code.
5. The documents I have considered in reaching my decision include:
  - a) the school’s referral of 19 October 2018 and subsequent correspondence with the school;
  - b) the determined arrangements for the school;
  - c) comments on the variation from the local authority;
  - d) comments on the variation from the Diocese of Chichester
  - e) a copy of the local authority’s booklet for parents seeking admission to schools in the area in September 2018; and
  - f) a copy of the letter consulting the relevant bodies about the proposed variation.

### **Other matters**

6. In reviewing the arrangements, I noted that the following elements of the arrangements appeared not to conform with the requirements relating to admissions;
  - the supplementary information form (SIF) is not published on the school’s website; (paragraph 2.4 of the Code);
  - the map of the catchment area (Civil parish boundary) is not published

on the school's website, (paragraph 1.14 of the Code);

- there are no arrangements for the completion of a SIF for oversubscription criterion three (paragraphs 1.36 and 1.38 of the Code); and
- there is no final tie breaker which would be used if two children live equidistant from the school (paragraph 1.8 of the Code).

### **Background and consideration of factors**

7. The school is a 4 to 11, Church of England, voluntary aided primary school. It is in the local authority of East Sussex and in the Diocese of Chichester. The admission arrangements for admission in September 2019 were discussed and determined by the Governing Board on 19 March 2018.
8. The referral states that in order to maintain the school as a four class school with one Early Years Foundation Stage (EYFS) class and mixed classes for years one and two, three and four and five and six the Published Admission Number (PAN) needs to be set at 15 rather than the current PAN of 20. The Governing Board which is the admission authority for the school, has requested this reduction for admission in September 2019.
9. The school's capacity can accommodate annual PANs of 20 as it is calculated at 140 (seven year groups of 20 pupils). However, the governing board considers it to be financially unviable to arrange the school over more than four classes. If more than thirty children are admitted over two years then an additional class would be required. If the number of classes increased it would necessitate the employment of additional teaching staff. In the delegated budget scheme, funds are allocated to the school based on a number of factors. Most important among these factors is the allocation of funds based on actual pupil numbers on roll. A sustainable financial plan based on 20 pupils in a year group where the numbers are actually only 15 or fewer could prove difficult for governors to manage. If the PAN is maintained at 20 and additional pupils are admitted in year (over 15 in a year group) then this would mean that the mixed age class would be more than 30 children. Under the infant class size legislation this would not be possible and an additional class would have to be created with consequent additional expenditure on staff, accommodation and equipment. I agree that this situation may render the school's budget financially unviable in the future.
10. The number of first preferences for admission over the past four years from 2015 to 2018 has been 5,9,16 and 15 respectively. The local authority supports the variation and states that a reduction in PAN will not lead to a shortage of school places in the area. It explains that there are sufficient school places in the area even if the school's PAN is reduced to 15. The local authority projections for admission to the

school in the next four years does not exceed 15 in any year.

11. I therefore approve the variation requested by the school. The PAN for admission to the school in September 2019 will be 15.

### **Other matters**

12. The admission arrangements as published when the variation request was submitted contained four elements which were contrary to the Code;

- the supplementary information form (SIF) was not published on the school's website; (paragraph 2.4 of the Code); this has now been published on the school website with the admission arrangements and is now compliant with this part of the Code.
- the map of the catchment area (Civil parish boundary) is not published on the school's website, (paragraph 1.14 of the Code); this has now been published on the school website with the admission arrangements and is now compliant with this part of the Code.
- there are no arrangements for the completion of a SIF for oversubscription criterion three (paragraphs 1.36 and 1.38 of the Code). This criterion refers to the "*Parents regularly worshipping at St Mary the Virgin, Hartfield or Holy Trinity, Coleman's Hatch and living in the civil parish*". The arrangements do not say how parents evidence that they fulfil this criterion and this requires amendment.
- there is no final tie breaker which would be used if two children live equi-distant from the school (paragraph 1.8 of the Code requires arrangements to include an effective, clear and fair tie breaker which to decide between two applications that cannot otherwise be separated. This would be if two applications lived equi –distant from the school. This also requires amendment.

### **Conclusion**

13. In order to maintain a viable number of classes in the school I approve the variation request to reduce the PAN from 20 to 15 for September 2019.

14. Amendments are required to the admission arrangements in order to clarify the evidence of church worship in criterion three and the inclusion of a final tie breaker is required to conform to the Code.

### **Determination**

15. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the governing board for St Mary the Virgin Church of England Primary School, Hartfield, East Sussex.

16. I determine that for admission in September 2019 the Published Admission Number will be 15.
17. I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements for admission arrangements in the ways set out in this determination.
18. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of this determination unless an alternative timescale is specified by the adjudicator. In this case I specify a deadline 31 January 2019

Dated: 10 January 2019

Signed:

Schools Adjudicator: Ann Talboys