



Office of
the Schools
Adjudicator

Determination

Case reference: VAR927

Admission authority: Southampton City Council for Fairisle Junior School

Date of decision: 6 May 2020

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 Southampton City Council for Fairisle Junior School for September 2020.

I determine that for September 2020, the published admission number shall be 90.

The referral

1. Southampton City Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2020 for Fairisle Junior School (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 7 to 11 in Southampton.
2. The proposed variation is that the published admission number (PAN) should be reduced from 120 to 90 for September 2020.

Jurisdiction

3. 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*".

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

Procedure

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

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

- a. the referral from the local authority sent on 24 April 2020, supporting documents and further information provided at my request;
- b. the determined arrangements for 2020 and the proposed variation to those arrangements;
- c. a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2020;
- d. evidence that the governing board for the school has been consulted;
- e. a map showing the location of the school and other relevant schools; and
- f. a copy of the email notifying the appropriate bodies about the proposed variation.

The proposed variation

7. The school is a junior school with a PAN of 120 for 2020, determined by the local authority on 15 January 2019. As a junior school it admits children to Year 3. For admissions in 2018 and 2019 the PAN was set at 90. Building work started at the school in August 2019 to accommodate the additional number of children. On 24 March 2020 the building work was stopped because of the Covid-19 lockdown. As it was not clear when the building work could begin again, the local authority made the decision to offer only 90 places on 16 April 2020, National Offer Day. The local authority's request to reduce the PAN to 90 is a retrospective application in the light of a major change in circumstances. They told me that they intend to admit to 120 places when the building works have been completed.

8. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be changed, that is varied, if there is a major change of circumstance or certain other limited and specified circumstances. I will consider below whether the variation requested is justified by the change in circumstances.

9. Paragraph 3.6 of the Code also requires that relevant parties be notified of a proposed variation. The local authority has provided me with a copy of its notification on the proposed variation and the list of schools and other bodies to which it was sent. I have seen confirmation from the school's governing board that it supports the request for the variation.

I am satisfied that all relevant bodies have been notified and that views expressed have been taken into consideration. I find that the appropriate procedures were followed.

Consideration of proposed variation

10. The local authority's application sets out that, having made the decision to offer only 90 places, six children whose parents wished them to attend the school were refused places and offered places at other schools. In addition there were three late applications who would be offered places at other schools. Three places were allocated at the school after National Offer Day to children with an Education, Health and Care Plan which named the school as the authority is legally required to admit them.

11. I asked the local authority a number of additional questions about the other schools offered to the children refused places including the distance they would need to travel and information about the schools the children were currently attending. I also asked to see the most up to date capacity assessment for the school. The assessment, dated December 2013, gave a net capacity of 360 with 12 multi-use classrooms, sufficient for four year groups of three classes. There are in fact already four classes in Year 4, but one of these is housed in a small community space which was not designed as a classroom.

12. Of the now ten children refused a place at the school, nine currently attend the linked school Fairisle Infant School and the alternative schools offered to those children are over the three mile statutory walking limit which would qualify them for free school transport.

13. On 1 May 2020 the local authority told me that they had now offered places to all ten children initially refused a place. Together with the three children with an EHCP the school will now admit 103 children in September.

14. I was also told by the local authority that the contractor is returning to the site in the week beginning 4 May 2020 with a target completion date of 12 weeks taking into account the reduction in productivity that social distancing measures will impose on the site. The target is that the work will be completed by the end of July but there are a number of issues which could delay the work beyond that date including the procurement of materials, bad weather, the availability of sub-contractors and an extended lockdown if the pandemic lockdown needs to be imposed again.

15. The local authority told me *"If further applications are made for the school, all children would be offered an alternative school and will be automatically added to the waiting list for Fairisle Junior. Once the building works are complete, all pupils up to 120 will be offered places. They will not need to apply for an in-year admission as they would already be on the waiting list (unless the application is made after the beginning of the new academic year)."*

16. I should point out that the local authority told me that its admissions team were only made aware of the situation at the school two days before National Offer Day although the

Programme Manager at the council told the headteacher at the school on 26 March 2020 that building work had stopped on 24 March 2020.

Conclusion

17. The local authority and the school are in an unenviable position. The building work had to stop because of the Covid-19 lockdown. It was unfortunate that the timing came as the local authority was getting ready to announce the decisions on applications to the school on National Offer Day. The decision to refuse places to nine children who are currently attending Fairisle Infant School must have been very upsetting for the parents and children involved. One other child was also refused a place. The decision subsequently to offer places to those ten children will I am sure have mitigated that upset.

18. I agree this application to reduce the PAN to 90 for 2020. The local authority has made clear that when the building work is completed, they will offer up to 120 places for 2020/21. The PAN for the school for 2021/22 was determined as 120 by the local authority on 11 February 2020 and remains at 120.

Determination

19. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Southampton City Council for Fairisle Junior School for September 2020.

20. I determine that for September 2020, the published admission number shall be 90.

Dated: 6 May 2020

Signed:

Schools Adjudicator: Lorraine Chapman