



DETERMINATION

Case reference: VAR677

Admission Authority: All Saints' Church of England Primary School,
Blackheath, Lewisham

Date of decision: 27 January 2016

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 body for All Saints Church of England Primary School, Lewisham. I determine that for admissions in September 2016 the published admission number shall be 60 comprising 40 open places and 20 foundation places.

The referral

1. The governing body of All Saints Church of England Primary School (the school), a maintained voluntary aided school for children aged 4 to 11 years, has referred a request for a variation to the Adjudicator about its admission arrangements for September 2016. The school determined its arrangements to admit 30 children to reception and the variation requested is to vary the published admission number (PAN) such that it should be increased from 30 to 60 for September 2016 with 40 open places and 20 foundation places.

Jurisdiction

2. The referral was made 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 school's referral to the Office of the Schools Adjudicator dated 21 December 2015, supporting documents and subsequent correspondence;
 - b. the determined arrangements for 2016 and the proposed variation to those arrangements;
 - c. information on those notified of the proposed variation and responses received;
 - d. information on the school's website;
 - e. the London Borough of Lewisham's composite prospectuses for admission to primary schools in 2015 and 2016 and other information on the local authority's website; and
 - f. a map of the area showing the location of schools.

Consideration

6. The school is situated in the London Borough of Lewisham (the local authority). The local authority's composite prospectus for primary schools in Lewisham for 2015 described the increase in the demand for reception places due to the birth-rate increasing by one third between 2000 and 2010 and the steps being taken to meet this demand. Other primary schools in the area have expanded in a variety of ways depending upon the local circumstances. The local authority explained that it expected this demand to be high until at least 2020.
7. Lewisham is a densely populated urban area with nearly 70 primary schools offering reception places. In its prospectus the local authority assured parents that there would be sufficient places for all children and explained that 93.7 per cent of those living in Lewisham who applied for a place in reception in 2014 were offered a place at one of their preferred schools. Parents living in the local authority area can express a preference for up to six schools and are encouraged to use all six preferences. Those who were not offered a place at one of their preferred schools were offered a place but it may not be within two miles of the child's home.
8. Discussions between the school and the local authority led to the governing body agreeing in principle to have a 'bulge' class of an additional 30 children entering reception in 2016. This would create a published admission number (PAN) of 60 for one year only. The governing body determined the arrangements for 2016 with a PAN

of 30 as there was no certainty of the building which would be necessary to accommodate the additional 30 children in reception would be available. Since the governing body determined the arrangements the building has gone ahead and will be ready for September 2016 thus creating a major change in circumstances as required by the Act for a variation.

9. Paragraph 3.6 of the Code says, *“Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified.”*
10. Paragraph 3.6 also says that, *“A variation to increase a school’s PAN is not required to be referred to the Schools Adjudicator.”* The school’s admission arrangements have two categories (after looked after and previously looked after children have been allocated places). One is for up to 20 foundation places and these are described as for children *“whose parents/carers are regular practising worshippers in a relevant church”* and this is defined. The other category is for up to ten open places. In this case the school referred the increase in the PAN to the Adjudicator as the number of places would not be increasing pro-rata as the school only wished to increase the number of open places.
11. Both categories have oversubscription criteria. The oversubscription criteria for foundation places, in order of priority are:
 - 1) *“Children whose parents/carers are regular practising worshippers at one of the Relevant Churches with a sibling attending the School and who will be still be on the School roll at the proposed date of entry of the applicant.*
 - 2) *Children whose parents/carers are regular practising worshippers at one of the Relevant Churches.*
 - 3) *Children whose parents/carers are regular and practising worshippers at one of the churches included in the membership of Ecumenical Bodies in Churches Together in Britain and Ireland or the Evangelical Alliance.”*
12. The oversubscription criteria for the open places, in order of priority, are:
 - 1) *“The presence of a sibling in the School who will be on the School roll at the proposed date of entry of the applicant.*
 - 2) *Children with an exceptional and professionally supported medical or social need. This must be supported by written evidence at the time of application, e.g., from a specialist health*

professional, social worker or other care professional. The evidence must set out the reasons why this school is the most suitable school and the difficulties that would be caused if the child had to attend another school.

- 3) *Children who live within the parish of All Saints' Church, Blackheath.*
- 4) *Other children in order of proximity of home to the school."*

13. The school's governing body has an admissions sub-committee. The meeting of the sub-committee on 23 February 2015 considered the applications for admission to reception in 2015 and applied the oversubscription criteria as there were 167 applications for the 30 places in the reception class. The minutes record that there were 38 applications for the 20 foundation places and 129 applications for the ten open places. The 20 foundation places were offered and the furthest distance from the school, after siblings had been offered places, was 763.570 metres. Ten open places were offered and the furthest distance from the school, after siblings had been offered places, was 58.80 metres. The school's website information on admissions shows that for 2014 the situation was even more competitive for local children with the furthest distance for foundation places, after sibling places, being 1891.60 metres and for open places, after sibling places, 20.62 metres.
14. The high level of demand for open places by local children was considered by the full governing body when it met on 23 April 2015. It agreed in principle that the proposed additional 30 places that might be available in 2016 should be open places in order to meet local demand. The governing body had considered the data available and noted that if more foundation places were offered then these would be likely to be taken by children who did not live locally to the school. The governing body met again on 21 May 2015 and the minutes record the unanimous decision to increase the number of open places to 40 and maintain the number of foundation places as 20.
15. The school wrote to 13 local primary schools on 11 December 2015 to notify them of the school's intention to increase its PAN by 30 and that all the additional places should be open places for the reasons described above. The school received three communications of support and no responses that challenged the intention. I have also seen communications with the local authority and the Southwark Diocesan Board of Education, which represents the Diocese of Southwark which is the relevant religious body. Both bodies were supportive of the variation proposed. I am satisfied that the school has notified all the relevant bodies as required by the Code and that their views have been taken into consideration. I also note that the school has had clear information on its intentions on the school's website so that parents and potential parents were kept informed.

16. I have considered the demand for places in the area and the steps taken by the school, working with the local authority, to help meet that demand. I am satisfied that the proposed variation addresses the circumstances described.

Conclusion

17. The variation is necessary to enable the school to help meet the demand for places in the area and to make sure that the additional places are available for local children.

Determination

18. 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 body for All Saints Church of England Primary School, Lewisham. I determine that for admissions in September 2016 the published admission number shall be 60 comprising 40 open places and 20 foundation places.

Dated: 27 January 2016

Signed:

Schools Adjudicator: Mrs Deborah Pritchard