



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: VAR726

Admission Authority: The Governing Body of Our Lady of Ransom Catholic Primary School, Rayleigh, Essex

Date of decision: 15 September 2017

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 of Our Lady of Ransom Catholic Primary School, Rayleigh, Essex.

I determine that for admissions in September 2017 the published admission number (PAN) shall be 30.

The referral

1. The governing body of Our Lady of Ransom Catholic Primary School (the school), which is the admission authority for the school, has referred a variation to the Adjudicator about the admission arrangements (the arrangements) for the school, which is a voluntary aided school, for September 2017. The variation is a reduction to 30 from the determined PAN of 60.

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”.

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

3. I am also using my power under section 88I(5) of the Act to consider the arrangements as a whole.

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:

- (i) the school's letter of referral of 25 July 2017 and supporting documents;
- (ii) the determined arrangements for 2017/2018 and the proposed variation to those arrangements;
- (iii) a copy of the letter notifying the appropriate bodies about the proposed variation; and
- (iv) responses from Essex County Council (the local authority) and the Diocese of Brentwood (the diocese) about the proposed variation.

Other matters

6. When I considered the arrangements as a whole, I noted that priority for places is given to "*Children of Catechumens*" under the sixth oversubscription criterion and to "*Children whose parents are members of an Eastern Christian Church*" under the seventh oversubscription criterion. The eighth criterion gives priority to "*Other looked after children and previously looked after children*", that is, looked after children and previously looked after children who are not Catholic. I considered that in making this order of priority, the arrangements may not comply with paragraph 1.37 of the Code, which states, in relation to schools designated with a religious character,

*"Where any element of priority is given in relation to children not of the faith they **must** give priority to looked after children and previously looked after children not of the faith above other children not of the faith."*

7. I invited the school, the diocese and the local authority to comment on this matter.

Consideration of Factors

8. The school has the capacity to admit two forms of entry, that is, 60 pupils each year. In both 2013 and 2014, 60 pupils were admitted; in both 2015 and 2016, 50 pupils were admitted. In 2017, there was a significant change to this pattern of admissions, as only 27 pupils were allocated places. The school has accordingly made arrangements to have only one class for its youngest pupils, rather than the normal two classes. Staff have been

deployed on this basis.

9. The governing body has requested that the PAN is reduced from 60 to 30 for September 2017. This will enable the school to continue to operate with one class for this group of pupils. If the number of pupils were to exceed 30, a second class would need to be formed in order to comply with the regulations relating to the size of infant classes. The reduction is only requested for one year, as the school is forecasting that 55 pupils will be admitted in September 2018.

10. As it is required to do, the governing body notified the diocese and the local authority about the requested reduction in its PAN. The Regulations do not require the school's religious authority to give its approval to a variation to admission arrangements but the diocese replied that it had no objection to the request, which it described as,

"[a] pragmatic step as it would impact only on the intake in to reception where the demand for places appears to only justify one form of entry."

Similarly, the local authority also indicated that it had no objection to the reduction in the PAN, provided that it related to just the 2017/18 academic year.

11. The governing body also notified other primary schools in the relevant area, which the local authority confirmed is the Rochford District. No responses were received.

12. I agree that this request is appropriate in the circumstances. A reduction in the PAN to 30 for this year group will enable the school to maintain one class and to make staffing, budget and curriculum decisions on this basis. The local authority has not indicated that the reduction will cause any difficulties for the supply of school places in the area. I therefore approve the variation to the admission arrangements to provide that the PAN be set at 30 for September 2017.

13. In response to my concern that the arrangements did not conform with the requirements of paragraph 1.37 of the Code, the governing body contacted the diocese which, in turn, took advice from the Catholic Education Service. The school was advised that its arrangements did indeed fail to comply with the requirements relating to admissions. Subsequently the governing met and revised its arrangements, in accordance with paragraph 3.6 of the Code, which allows an admission authority to revise admission arrangements that have been determined when,

"such revision is necessary to give effect to a mandatory requirement of this Code."

In the revised arrangements the order of the sixth, seventh and eighth oversubscription criteria is different from that originally determined. The revised order of these criteria can be summarised as:

(6) Other looked after children and previously looked after children

- (7) Children of Catechumens
- (8) Children whose parents are members of an Eastern Christian Church

I am satisfied that this revision addresses my concern about the arrangements.

Conclusion

14. Due to an unusually small intake of pupils in September 2017, the school can cater for its youngest pupils in one class rather than the normal two. In order to maintain this arrangement, it requires the PAN to be reduced to 30. The diocese and the local authority have no objection to this reduction. I approve the variation that is requested.

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 body of Our Lady of Ransom Catholic Primary School, Rayleigh, Essex.

16. I determine that for admissions in September 2017 the published admission number (PAN) shall be 30.

Dated: 15 September 2017

Signed:

Schools Adjudicator: Peter Goringe