

## DETERMINATION

**Case reference:** VAR/619

**Admission Authority:** The governing body of Hampstead Parochial Church of England Primary School, Camden

**Date of decision:** 5 December 2013

### **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 Hampstead Parochial CE Primary School.**

**I determine that for admissions in September 2014 the school will offer 25 foundation (church) places offered according to the existing criteria for foundation (church) places and 35 community (open) places offered according to the existing criteria for community (open) places.**

### **The referral**

1. The Governing Body of Hampstead Parochial Church of England Primary School (the school) has referred a variation to the Adjudicator about the admission arrangements for the school, a 4-11 voluntary aided primary school for September 2014. The school is a one form entry school with a published admission number (PAN) of 30. The admissions policy allocates 25 of the existing places under foundation (church) criteria and 5 under open criteria. There is a shortage of primary school places in the London Borough of Camden (the borough) and the school has agreed to admit a one off bulge class of 30 in 2014. The governing body feels that it can best serve the local community by offering the additional places as open places. It is therefore seeking a variation that would enable it to offer the additional 30 places as open places using its current criteria for open places.

### **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.

### **Procedure**

3. In considering this matter I have had regard to all relevant legislation, and the School Admissions Code (the Code).
4. The documents I have considered in reaching my decision include:
  - the chair of governors' letter of referral of 8 November 2013 and supporting documents;
  - the determined arrangements for 2014 and the proposed variation to those arrangements;
  - an email from the Diocese of London (the diocese) supporting the application for a variation;
  - a copy of the Camden council's, the local authority, booklet for parents seeking admission to schools in the area in September 2014; and
  - a copy of the letter notifying the appropriate bodies about the proposed variation.

### **Background**

5. The governing body discussed its admission arrangements and agreed them on 11 September 2012. The revised policy was then sent to the local authority as part of the consultation process. There was further discussion during the meeting of governing body in November about the wording of the worship criterion. After consideration, it was agreed in principle that the school would go to consultation for 2014-15 on removing the distinction between those who attended Church of England churches without church schools and other regular Church of England churchgoers. The school then passed the arrangements to the local authority to carry out the consultation.

6. The local authority gave the school to understand that, if there were no objections to the arrangements, they would stand as the determined arrangements agreed by the governing body. There were no objections and the governing body therefore assumed the arrangements to be determined without formally minuting the fact. It is not unreasonable for the local authority to carry out the consultation on the school's behalf. Nonetheless, the school does remain responsible for ensuring that all the processes are completed properly and formally recorded.

### **Consideration of Factors**

7. There is a shortage of school places in the borough. The school has therefore agreed to take in a bulge class of 30 on a one off basis in 2014. Its usual admission arrangements allocate 25 out of 30 places on foundation (church) criteria but in this case, the governing body believes that the local need for places will be best met by all the additional places being open. The

school's open places are allocated firstly to looked after and previously looked after children, secondly to siblings and thirdly on distance. The variation sought would allocate all the additional 30 places using these "open" criteria. The diocese fully supports this intention.

8. Minutes of the governing body meeting of 14 October 2013 show that there was a detailed discussion about admissions to the bulge year class. The governing body then agreed that all the bulge places should be open places. It was resolved to have further discussion about the implications of this for admissions from 2015 onwards at a subsequent meeting. At this point the school should have notified the relevant parties about the proposed variation. In fact it only did so on 8 November 2013.

9. The school has been oversubscribed for the last four years, with the application rate varying from 84 in 2010/11 to 125 in 2011/12. In 2012/13 there were 97 applications. The other schools in the locality are also oversubscribed. The provision of 30 additional places for local children would ease the pressure on all concerned.

10. The use of the open criteria is expected to increase the number of children coming from the local area and thus reduce traffic congestion.

### **Conclusion**

11. The governing body and the diocese have clearly given careful thought to the needs of children and parents in the area and have proposed a sensible solution which I accept.

### **Determination**

12. 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 Hampstead Parochial CE Primary School.

13. I determine that for admissions in September 2014 the determined arrangements shall specify that the school will offer 25 foundation (church) places offered according to the existing criteria and 35 community (open) places offered according to the existing criteria for open places.

Dated: 5 December 2013

Signed:

Schools Adjudicator: Mrs Janet Mokades