

DETERMINATION

Case reference: VAR/00610

Admission Authority: Redcar and Cleveland Borough Council

Date of decision: 3 October 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 Redcar and Cleveland Borough Council for Laurence Jackson School.

I determine that for admissions in September 2014 the admission number shall be 250.

I have considered the arrangements for Laurence Jackson School and for the other schools for which the council is the admission authority for September 2013, in accordance with section 88I(5). I determine that they do not conform with the requirements relating to admission arrangements as 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 amend its arrangements as quickly as possible.

The referral

1. Redcar and Cleveland Borough Council (the council) has referred a variation to the adjudicator about the admission arrangements for Laurence Jackson School (the school), a community secondary school for pupils aged 11 to 18 for September 2013 and September 2014.
2. The request is that the admission number applying to admissions in each of the years should be reduced to 250 (from the determined figures of 280 for admissions in September 2013 and 260 for admissions in September 2014).

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.

5. In addition to considering the matters raised for the variation I am using my powers under section 88I of the Act to consider the admission arrangements as a whole.

Procedure

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

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

- the council's letter of referral of 10 July 2013 and supporting documents;
- the determined arrangements for September 2013 and September 2014 and the proposed variation to those arrangements;
- a copy of the council's booklet for parents seeking admission to schools in the area in September 2013;
- correspondence with the council concerning these arrangements and the requested variations to them.

Other matters

8. Since the arrangements for the school for September 2013 and September 2014 have been brought to my attention, I have looked at them both. As a result I have raised with the council my view that those for September 2013 may contravene the requirements of the Code as set out below.

Background and consideration of factors

9. The school is situated in Guisborough, which is approximately five miles outside Middlesbrough's main conurbation. The school is Guisborough's only secondary school.

10. The council informed me initially that when it determined the school's admission arrangements for September 2013 in 2012 it set an admission number for Year 7 of 280. It also stated that the admission number for September 2014 admissions was set at 260.

11. The school has been undersubscribed for some time and the highest number of Year 7 admissions in the last four years has been 258. Pupil number projections provided by the council indicate that applications for places at the school are likely to be of the order of 230 for the period up to 2017.

12. The major change in circumstances described by the council results from the combination of two new factors. Firstly, new premises for the school are due to be available from September 2016. These will provide for 250 places per year group, and this means that those year groups that will transfer to the new buildings should ideally not exceed this figure. These year groups will be the group which forms Year 8 in the school in September 2013 and those which follow it.

13. The second factor is the recent publication of the report of an Ofsted inspection of a secondary school in a part of Middlesbrough which is close to Guisborough. This school has been judged to require special measures, and as a result significant numbers of parents have sought to transfer to Laurence Jackson School.

14. The school approached the council at the end of June 2013 seeking its support in limiting this influx to the point where any additional admissions would not result in year group sizes over 250 for those year groups due to transfer to the school's new premises. The council has therefore requested that the admission numbers for admissions in September 2013 and 2014 be both reduced in order to ensure that these year groups do not exceed this figure. Admissions made by the council to places at the school for September 2013 have not yet done so, but the council wishes to continue with its request.

15. The council has a statutory responsibility to ensure that there is a sufficient supply of school places in its area, and I have therefore considered whether this request would be likely to impinge on its ability to do so in coming years.

16. Two other secondary schools are situated considerably closer to the school in Middlesbrough which has recently been placed in special measures than is Laurence Jackson School. There was a very significant over-supply of places in both these schools in September 2012 in terms of admissions to Year 7. One of these schools is in the process of amalgamating with the school which is judged to require special measures, and I am therefore confident that the council has at its disposal means for ensuring that sufficient places are available locally without relying on those it is seeking to remove at the school. The effect of the variation request is in practice to bring forward to 2013 the reduction in provision in Guisborough from that already planned for 2016.

17. The council has notified and consulted the appropriate bodies concerning the proposed variation to the admission arrangements for the school. None of the other secondary schools in the council's area has made any comment on the proposal.

18. The current School Admissions Code was introduced in February 2012, and its requirements applied to admission arrangements determined in 2012 for admissions in September 2013. Paragraph 1.7 of the Code says that oversubscription criteria **must** give the highest priority to looked after and previously looked after children.

19. I wrote to the council on 9 September 2013 seeking its urgent comments on my concerns that its arrangements for September 2013 fail to do this, since they refer only to “children who are subject to care orders or who are accommodated by the Adult and Children’s Services Department on a voluntary basis”. The council is clearly aware of this issue, and its determined arrangements for September 2014 contain a definition of the children to whom first priority is to be given which is in accord with the requirements set out in the Code, and which therefore does not refer to children accommodated within the council’s own provision, but to all looked after and previously looked after children.

20. The council responded on 10 September 2013 to the effect that it had omitted to include the change in the wording of its arrangements for September 2013, but that it had nevertheless changed its practice in line with the revised Code. However, I was unable to find any record on the council’s website of its determination of admission arrangements for September 2013 for those schools for which it is the admission authority. In addition, when it determined its admission arrangements for September 2014 (on 30 April 2013), the admission number which it set for the school was 280, not 260 as stated in its request to vary these arrangements.

21. The council has confirmed, in response to my further request for clarification of these matters, that although consultation had taken place on proposed admission arrangements for September 2013, no determination of them had taken place. It also confirmed that the admission number for the school for September 2014 had been set at 280 when the arrangements were determined, and that this took place on 30 April 2013.

22. Since the council has not determined admission arrangements for the school for September 2013, it is not possible for me to agree to their variation. The council needs to determine such arrangements without further delay, and to take the contents of this determination into account in doing so.

23. The council has determined an admission number of 280 for the school for admissions in September 2014, although it did this after the date of 15 April 2013 which is set down in paragraph 1.46 of the Code as the last day on which it should have done so. The council has continued with its request that this figure be reduced to 250. I believe this request is a reasonable response to the change in circumstances of the school which the council has described to me, and that it would not result in there being a shortfall in the number of school places available in the locality.

Conclusion

24. I have concluded that the variation which the council has requested is necessary as a response to the significant change in circumstances which it has described to me.

25. The requested variation does not impinge on the council’s ability to ensure a sufficient supply of school places, and does not have a detrimental effect on other schools.

26. I therefore approve the requested variation to the school's admission arrangements for September 2014.

27. I have also concluded that since no admission arrangements for September 2013 for the school have been determined, I am unable to approve a variation to them.

Determination

28. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Redcar and Cleveland Borough Council for Laurence Jackson School.

29. I determine that for admissions in September 2014 the admission number shall be 250.

27. I have considered the arrangements for Laurence Jackson School and for the other schools for which the council is the admission authority for September 2013, in accordance with section 88I(5). I determine that they do not conform with the requirements relating to admission arrangements as set out in this determination.

28. 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 amend its arrangements as quickly as possible.

Dated: 3 October 2013

Signed:

Schools Adjudicator: Dr Bryan Slater