

DETERMINATION

Case reference: VAR/000622

Admission Authority: The London Borough of Bromley

Date of decision: 2 January 2014

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 London Borough of Bromley for Worsley Bridge Primary School for the admission of pupils to Year 3 in September 2014.

I have also considered the arrangements in accordance with section 88I(5). I determine that the lack of a tie breaker does not conform with the requirements relating to admission arrangements.

The referral

1. Following a statutory consultation and a decision by the London Borough of Bromley, the local authority (the LA), Worsley Bridge Junior School (the school), a community school for pupils aged 7– 11 years became a primary school for pupils aged 4-11 years from September 2013.
2. The head of strategic place planning of the LA has referred a variation to the Adjudicator about the admission arrangements (the arrangements). The variation is to the oversubscription criteria of the admission arrangements for year 3 pupils for 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. At the time the LA determined arrangements for community schools for 2014 the proposal to change the school’s age range was under consideration but had not been agreed. The LA could not pre-empt the statutory process and therefore determined arrangements for the school

as a junior school with a linked infant school.

5. I am satisfied that the proposed variation to the arrangements for admissions to year 3 in September 2014 is within my jurisdiction.

Other matters

6. The proposed arrangements and the LA's determined admission arrangements do not contain a tie breaker as required by paragraph 1.8 of the Code "*Oversubscription criteria must be reasonable, clear, objective..... Admission arrangements must include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated.*" It is not clear, for example, how places would be allocated in the, albeit unlikely, situation where two children live an equal distance from the school. I have asked the LA if a tie breaker is proposed for these arrangements and I am informed it is not. A final tie-breaker is needed in order to comply with the School Admissions Code (the Code).

Procedure

7. In considering this matter I have had regard to all relevant legislation and the Code.
8. The documents I have considered in reaching my decision include:
 - a) the LA's email and form of referral of 29 November 2013, and subsequent supporting documents;
 - b) the determined arrangements for September 2014 and the proposed variation to those arrangements;
 - c) a copy of the LA's booklets for parents seeking admission to schools in the area in September 2013 and 2014; and
 - d) documents relating to the statutory proposal.

Background

9. The LA has a policy of amalgamating infant and junior schools to become all through primary schools when the opportunity arises. In this case, the LA considered that the school was too far from the school with which it was linked, Bromley Road Infant School, for amalgamation. The schools are approximately three quarters of a mile apart, a 12-15 minute walk.
10. The LA therefore decided to consult on altering the age range at this school and Bromley Road Infant School to create two all through primary schools. Both schools were three forms of entry schools. The statutory proposals create the school as a two form of entry primary school and the other as a one form of entry. There is the possibility in the future that the school may become a three form of entry primary school to meet the increased demand for places in the area. The now agreed proposals thus maintain the same number of pupil places at present with the possibility of

increasing provision in the future.

11. The informal consultation for the proposed change ran from January to March 2013. On 20 March 2013 the LA resolved to proceed with formal statutory proposals. The statutory proposal was published 12 June 2013 for a six week period ending 24 July 2013. This notice showed the implementation date for this school of September 2013. This was brought forward from September 2014 to September 2013 to accommodate the two 'bulge' classes. The decision making meeting was held on 21 August 2013. The decision was made to change the school's age range from a 7-11 school to a 4-11 school with effect from September 2013.
12. The LA's proposed admission arrangements for year 3 pupils are as follows;
 1. Children looked after or previously looked after
 2. Children attending Year 2 at Bromley Road
 3. Siblings...Children who have a brother or sister on roll at Worsley Bridge when the Year 3 sibling starts
 4. Proximity – as measured in a straight line from the front door of the home to the front door of the school

Consideration of factors

13. I have considered "the major change in circumstances", that is the change in the school's age range from a junior to a primary school from September 2013 that has resulted in the admission authority seeking a variation and whether the proposed variation to put in place arrangements to admit pupils to Year 3 now that the previously linked school also admits year 3 pupils, would address the change of circumstances.
14. No negative responses have been reported from those notified about the variation. I have also looked at the consultation undertaken for the statutory proposal to which there were no objections.
15. The decision to change the age range has been made and therefore I have to consider whether to approve the proposed admission arrangements for the admission of pupils to year 3 for 2014. I am satisfied that the school needs these admission arrangements for year 3 to enable those children currently in year 2 at Bromley Road Infant School to have priority to transfer to the school and to distinguish between children in the event that more than 60 of the children wish to do so. The varied arrangements are necessary to assist in the implementation of the agreed statutory proposal.
16. The composite prospectus includes the arrangements as proposed for the school as it changes its age range. My view of the proposed admission arrangements is that they do not make sufficiently clear how decisions will be made if the school is oversubscribed and there are more applicants than places in year 3. I surmise that if there are more applicants from year 2 than places, priority will go to children who will have a sibling at the school when the child joins year 3 and then proximity will be used to

decide between applicants if there are more siblings than places or between other year 2 applicants. I am mindful that the deadline for application for school places is close, 7 February 2014, and do not intend there should be delay to cause anxieties for parents. I therefore suggest that the LA makes clear how places will be allocated if there is oversubscription within a criterion in its information for parents. It will also be necessary for the LA to decide a final tie- breaker.

Conclusion

17. The LA properly determined its arrangements for the school as it was prior to publishing a statutory proposal to extend its age range to admit reception age pupils from September 2013, to progressively establish a 4-11 primary school.
18. The LA has proposed varied arrangements for the school and for Bromley Road Infant School to which the school was previously linked. I am satisfied that there is no change in the total number of places in year 3 for pupils currently in year 2. I therefore approve the variation to the determined arrangements for year 3 pupils to the school for 2014. I also note that the arrangements currently lack a final tie-breaker which needs to be added to the arrangements to comply with the Code.

Determination

19. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the London Borough of Bromley for the admission of pupils to year 3 in September 2014.
20. I have also considered the arrangements in accordance with section 88I(5). I determine that the lack of a tie breaker does not conform with the requirements relating to admission arrangements.

Dated: 2 January 2014

Signed:

Schools Adjudicator: Miss Jill Pullen