

DETERMINATION

Case reference: ADA2422

Objector: The Governing body of Thrupp Primary School

Admission Authority: Gloucestershire County Council

Date of decision: 28 June 2013

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by Gloucestershire County Council. I uphold the objection to the council's decision not to increase the published admission number from 17 to 20.

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 revise its admission arrangements as quickly as possible.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the Adjudicator by the governing body of Thrupp Primary School (the school) about the admission arrangements (the arrangements) for the school, a 3 to 11 maintained primary school for September 2014. The objection is to the decision of the council not to increase the school's published admission number (PAN) from 17 to 20. The objector refers to paragraph 1.3 of the School Admissions Code (the Code) which states that there is a strong presumption in favour of an increase to the PAN. The objector also maintains that the practices and criteria used by Gloucestershire County Council (the council) in determining the allocation of school places are not fair and are therefore contrary to paragraph 14 of the introduction to the Code.

Jurisdiction

2. These arrangements were determined under section 88C of the Act by the council, which is the admission authority for the school. The objector submitted its objection to these determined arrangements on 30 April 2013. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction.

Procedure

3. In considering this matter I have had regard to all relevant legislation and the Code.
4. The documents I have considered in reaching my decision include:
 - a. the objectors' letter of objection dated 26 April 2013;
 - b. the council's response to the objection and supporting documents;
 - c. the council's composite prospectus for parents seeking admission to schools in the area in September 2014;
 - d. a map of the area identifying relevant schools;
 - e. confirmation of when consultation on the arrangements last took place;
 - f. copies of the minutes of the meeting of the council at which the arrangements were determined; and
 - g. a copy of the determined arrangements.
5. I have also taken account of information received during a meeting with representatives of the school and the council that I convened on 14 June 2013 at the school. On 14 June I also visited the area surrounding the school to see for myself how the geography of the area might influence parental preference.

The Objection

6. The governing body of the school objects to the published admission number of 17 which has been set by the council. It says that the school has the space, the teaching capacity and the demand for more places. It states that demand has been steadily increasing. It believes that, as a good school, it should be allowed to expand in line with government policy and with paragraph 1.3 of the Code which states; "Community and voluntary controlled schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish. There is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator **must** have regard when considering any such objection."
7. In addition, the governing body maintains that the practices and criteria used by the admission authority in determining the allocation of school places are not fair and place the school at a disadvantage. They maintain that this contravenes paragraph 14 of the introduction to the code which states that, "admission authorities **must** ensure that the practices and criteria used to decide the allocation of school places are fair, clear and objective." In support of the claim of unfairness they cite the fact that neighbouring schools increase their PAN, that parents are disappointed unnecessarily and that the council's interpretation of the

planning area in which the school is located is restrictive.

Background

8. There is a lengthy history behind this objection. In 1998, the school made a proposal to the Local Education Authority (LEA), as it then was, that the PAN should be 20. An officer of the LEA agreed this and it was reported to the governing body. But in January 2000 the governing body minutes show that the head teacher had subsequently been asked to agree to a PAN of 15, which she had not done. A statutory notice was later received from the LEA stating that the PAN would be 17 with effect from September 2000. The reduction from 20 to 17 has resulted over the years in more children leaving Year 6 than have gone into the reception class, leading to significant financial constraints. The school says that it has also meant that many families have had to be refused places.
9. There were numerous requests over the years to have the PAN of 20 reinstated. Between December 2009 and February 2010, with a new head teacher in post, a further request was rejected. There were further rejections in 2010, 11 and 12. Recent discussions have failed to resolve the issue and on 6 March 2013, the council again set the PAN at 17.
10. The geography of the area in question is a factor to be considered in this case. The school is situated on a hillside overlooking a deep valley on the outskirts of Stroud. The area is one of steep gradients and very narrow winding lanes.

Consideration of Factors

11. The school has argued as follows.
12. Thrupp School has been judged good with outstanding features by Ofsted. It is a popular school with a growing demand for places. In 2011 there were 28 general preferences, in 2012 there were 40 and in 2013, there were 62. There are 11 children on the 2013 waiting list. Thirty two of the 62 preferences for 2013 live less than a mile from the school. The school will in fact take in 20 children in 2013 as three additional children have appealed successfully. Last year two children were turned down on appeal and the school turned away a number of families in-year. The governors say that they believe in parental preference, but are unable to respond to it as they would wish although they have the space and the staff to do so. As the school says, it is clearly the case that some parents are disappointed.
13. The school currently has five classes with five teachers and the School Development Plan envisages the continuation of this structure. Projected finances currently show a widening gap between income and expenditure. An increased PAN would bring in more money and secure the current arrangements.

14. There are 14 other primary schools within a two mile radius of the school. Five of these are maintained and the rest are their own admission authorities. The own admission authority schools are of course free to expand their PAN as they wish and a number have done so. The school maintains that the council should have taken this into account when setting the PAN for them and that not to have done so is unfair. They say that schools which remain within council control will always be vulnerable to competition from neighbouring schools that are free to increase their PAN.
15. For the purposes of planning and fulfilling its statutory responsibilities to provide and allocate sufficient school places, the council has designated notional catchment areas around each primary school. The school argues that projections based on planning area 6.1, in which the school is situated, are inaccurate and of limited relevance because many of its pupils (30.6%) come from area 6.2. It claims that numbers predicted for schools in future years have consistently increased as the forecasted years draw closer and has produced figures demonstrating that this is the case. Furthermore, it argues that there are new housing developments planned that have not been taken into account in the council's projections.
16. It says that two further factors influence parental choice significantly and that the council's planning processes do not take account of these. One is the unpopularity of one of the neighbouring schools with a PAN of 30 where only seven children enrolled in reception last year. The second is the geography of the area which means that, although one school may be closer when measured on a mapping system, it is in fact much further away by road or path and in some cases involves negotiating gradients of one in four. Such journeys are simply not practicable for parents pushing prams or buggies, nor are they reasonably walkable twice a day for small children.
17. The council in its turn has argued as follows.
18. When a school notifies the council that it wishes to change its PAN, the council reviews the need in the surrounding area and where that assessment suggests that the change is not required, the council says so and provides evidence to support its view. In this case, the council states that its figures show pre-school numbers declining both in the Eastcombe education planning area, which is where the school is situated, and in the area immediately surrounding the school.
19. Pupil number forecasts are based on the following system. The pre-school population data which is based on GP patient registers is aggregated by individual year groups within each catchment area. Current pupils on roll at each school are used to establish a proportion of pupils in successive years who have been drawn from the catchment in the past, as well as other patterns of inflow from outside the catchment. Age group cohorts are monitored as they progress through the school system giving rise to growth/wastage rates. Housing developments are not factored into the forecasts until they have

planning permission and are not included in the forecasts given to schools.

20. The council argues that Stroud is not following national trends of rising birth rates, but that on the contrary, its forecasts show a significant reduction in demand for school places in the area in the future. In the Eastcombe education planning area numbers are expected to decline over the next four years from 136 to 87, thus creating a surplus of almost two forms of entry.
21. Expanding the school would therefore, in the council's view, add additional capacity to an area that does not need it. This could ultimately undermine the viability of another school and lead to its closure, leaving a community without a school and incurring additional transport and human costs.
22. At my meeting with the school and the local authority, the school was able to produce convincing evidence of its popularity and the figures for 2013 support this. There is therefore a strong presumption that I should support its objection (unless the council could produce some utterly compelling reasons to the contrary) to the PAN set by the council.
23. The school has also asserted that the practices and criteria used by the council in determining the allocation of school places are not fair and are therefore contrary to paragraph 14 of the introduction to the Code. It refers to the unfairness of own admission authority schools increasing their PANs. But they are permitted to do this and the council has no jurisdiction over them. In this case, any unfairness cannot reasonably be laid at the door of the council.
24. The council has a duty to ensure sufficiency of school places and to do this, it has to try and balance a number of factors and predict future demand. Its projections say that numbers are declining and will continue to decline in the Eastcombe area. This may well be the case, although factors not included in the prediction process, such as economic changes, housing policy shifts and population movements can change school age populations quite rapidly. Be that as it may, the school has demonstrated that numbers are not declining for Thrupp and that is because parents want to send their children to the school.
25. The school is critical of the way in which the planning areas and the concept of "nearest to" are used for developing projections. Having visited the area it is clear to me that these mechanisms are flawed. In reality, parents push buggies where there are lanes or paths. They do not travel "as the crow flies". Nor do they necessarily stay at the address where they lived when their children were born. New families move into areas in-year. There is a significant retrospective element to the forecasting methodology and this raises issues; for instance, the popularity of schools can fluctuate strongly and fast. I do not consider the council's arrangements to be inherently unfair but I do suggest that it might wish to consider the fitness for purpose of its current school

place planning mechanisms. A system that took more account of the accessibility of the terrain in areas like Eastcombe would be preferable.

26. The council has a very difficult brief to fulfil in trying to ensure sufficiency of places and avoid over capacity whilst also trying to meet parental preferences. It believes it must protect existing schools so that communities are not left without a school. But parents will not willingly accept places in schools whose quality is in question and where accessibility is a problem. Now that most of the schools in the area are free to set their own PAN, it may be that in the future over capacity will only be avoided by parents voting with their feet and unpopular schools becoming unsustainable and so closing.

Conclusion

27. I do not accept that the local authority's admissions arrangements are unfair. I do however consider that it may need to reconsider its overall approach to the question of planned admission numbers given the rapidly increasing number of own admission authority schools that are free to set their own PAN.

28. Thrupp Primary School is good and popular. It has the space to accommodate some additional children and there is parental demand for it to do so. There is a strong presumption in the Code that it should be free to expand. I therefore uphold the objection to the PAN set by the council.

Determination

In accordance with section 88 H (4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by Gloucestershire County Council.

By virtue of section 88 K (2), the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements as quickly as possible.

Dated: 28 June 2013

Signed:

Schools Adjudicator: Mrs Janet Mokades