

## DETERMINATION

**Case reference:** VAR/000621

**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 Bromley Road Infant 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), Bromley Road Infant School (the school), a community school for pupils aged 4–7 years, will become a primary school (Bromley Road Primary School) for pupils aged 4-11 years from September 2014.
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 adopt 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 an 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. The arrangements need a final tie-breaker 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 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, Worsley Bridge Junior School, for amalgamation. The schools are approximately three quarters of mile apart, a 12-15 minute walk.
10. The LA therefore decided to consult on altering the age range at the school and Worsley Bridge Junior School to create two all through primary schools. Both schools have three forms of entry to the school. The statutory proposals create the school as a one form of entry primary school and Worsley Bridge School as a two form of entry school with the possibility in the future of becoming a three form of entry school. The proposal maintains the same number of places at present with the possibility of increasing the number of places in the future to meet

increased demand for places in the area.

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 on 12 June 2013 for a six week period ending on 24 July 2013. The decision making meeting was held on 21 August 2013. The decision was made to change the school's age range from a 4-7 school to a 4-11 school with effect from September 2014.
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 Bromley Road 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 an infant to a primary school from September 2014 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 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 admission arrangements for year 3 to distinguish between children in the event that more than 30 of the children currently attending the school wish to transfer to the new year 3 at the school and if fewer than 30 wish to transfer to enable other pupils attending an infant school and seeking a junior school place to be able to apply for a place. The varied arrangements are necessary to assist in the implementation of the agreed statutory proposal.
16. The composite prospectus includes the arrangements 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 a decision will be made if the school is oversubscribed and there are more applicants from the school's year 2 than places in the new year 3. I surmise that if there are more applicants from year 2 than places, priority will go to siblings as described in criterion 2 and then proximity as in criterion 3 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 exactly 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 from year 2 to year 3 from September 2014, to progressively establish a 4-11 primary school. From September 2017 the school will be a year R – year 6 school.
18. The LA has proposed varied arrangements for the school and for Worsley Bridge Junior School to which the school's pupils previously had, and will continue for 2014 to have, priority for admission to year 3. 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 to introduce admission 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 in order 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 Bromley Road Infant School 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