

DETERMINATION

Case reference: VAR000581

Admission Authority: West Sussex County Council

Date of decision: 31 August 2012

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by West Sussex Council.

I determine that for admissions in September 2013 for Rose Green Infant School, the admission arrangements shall give children to living to the west of a defined line a higher priority for admission than those living to the east of the line, thus oversubscription criteria 4 and 5 will be:

- 4. Other children who live in the catchment area for the school to the west of the line shown**
- 5. Other children who live in the catchment area for the school to the east of the line shown**

The referral

1. West Sussex County Council, the local authority (the LA) has referred a variation to the Adjudicator about the admission arrangements for Rose Green Infant School (the School), a voluntary controlled primary school for children age 4-7 years for September 2013. The variation requested is to the catchment area oversubscription criterion for the School. The LA wishes to define an area within the catchment to give children to living to the west of a defined line a higher priority for admission.

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).

The documents I have considered in reaching my decision include:

- a. the LA's form of referral received on 18 June 2012 and supporting documents;
- b. the determined arrangements for 2013 and the proposed variation to those arrangements;
- c. a copy of the LA's booklet for parents seeking admission to schools in the area in September 2012 ;
- d. details of how the appropriate bodies were notified about the proposed variation;
- e. a copy of the letter from the School about the proposed variation; and
- f. documents accompanying the related objections to the current admission arrangements.

Background and consideration of factors

4. The LA reports that it has encountered a surge in demand for school places. It was aware that the projected number of pupils in the Bognor Regis locality showed a higher number of pupils in the area starting school in 2012. Some of the contributory factors it cites were fewer children going to private schools and more families moving into the area where previously retired people lived. The increase in numbers of children reaching school age and seeking a school place is not confined just to this area of the LA but applies in many areas and indeed replicates the situation nationally.
5. The initial projection of pupil numbers for 2012 indicated that the demand for places would be similar to the previous year. The LA increased capacity in schools, for example, Edward Bryant Primary School by one form of entry to accommodate these pupils, and both St Mary's Roman Catholic School and Nyewood Infant Church of England Aided School agreed to take additional pupils.
6. At the conclusion of the consultation for admission arrangements for September 2013 on 1 March 2012, school places had not been allocated for children starting school in September 2012 and the analysis of the geographic distribution of where places would be needed had not taken place. When this work was undertaken it became clear to the LA that a specific issue emerged in a part of the School's catchment area that had not previously presented a difficulty to the LA in terms of provision of school places.

7. The area concerned is Pagham which sits to the furthest westerly point of the School's catchment area. The sea is to the south and the western boundary is bordered by the wetlands of the Pagham Harbour Nature Reserve which lies to the west and curves round to the north. The consequence is that children can only travel east to school.
8. For 2012 entry the School was oversubscribed from within its catchment area, with 90 places being allocated and 12 children refused, 10 of those lived west of the proposed line which would, if approved, confer higher priority for pupils in that area. There were also three late 'in catchment' applications from families in Pagham. Those who did not secure places were offered alternative schools. Those living in the west of the catchment area were disadvantaged as not only were they not allocated a place at the catchment School, but were also further away from alternative schools than those to the east of the catchment area. In addition they had to travel past the school to reach an alternative school.
9. It is clear from studying a map of the area that, when applications from families in the catchment area exceed the number of places available there will be a difficulty for families to the west. The LA's tiebreaker within the oversubscription criteria is radial distance, that is, a straight line from the school to the child's home address; this obviously causes difficulty if the distance is over water as it would be in measurements to schools to the west of Pagham. I accept that this reduces considerably the options for school places for families in the area.
10. The admission arrangements for the School are currently the subject of two objections from Pagham Parish Council and a Pagham parent to the Schools Adjudicator. The objections are supported by an online petition with 525 signatures
11. The LA was aware that there was increased demand for Reception places for September 2012 in the Bognor Regis area and increased its provision by creating additional classes at some schools. However, at the time of this increase the analysis of the geographic allocation of pupils had not been undertaken. When this was done, it became clear that there was a particular difficulty in the area around Pagham because the geography of the area means that children to the west of the catchment can only travel easily east to school. The sea is to the south and the west is bounded by the by the wetlands of the Pagham Harbour Nature Reserve lies to the west and curves round to the north. The School is not willing to increase capacity on its site and therefore a different solution has to be found.
12. The variation the LA proposes to meet the change in circumstances is to amend the oversubscription criteria priorities thus;

"To add an additional point to the in-area criteria for the school, to introduce a priority for children living to the west of a defined line. The rationale being that these children live furthest from alternative schools."

The line is best viewed on a map but follows a route described thus;
"From seashore to the seafront corner of 20 Viscount Drive and 15 Arun

Way. Then boundary between these houses. Then rear boundary of gardens of houses in Viscount Drive, and side boundary of 1 The Causeway. Then crossing The Causeway, to corner of sub-station. Then side boundary of 2 The Causeway and rear boundary of houses on King's Drive to corner of 40 King's Drive. Then side boundary of 40 King's Drive. Then front boundary of King's Haven. Then rear and side boundary of 63 King's Drive and along rear boundary of 63-53 King's Drive and garages to rear of properties in Cardinal's Drive. Rear boundary of 31 Cardinal's Drive. Then rear and side boundary (on Greenways) of 29 Cardinal's Drive. Then along Cardinal's Drive to a point opposite the corner of 36 and 34 Cardinal's Drive, crossing the road. Then side boundary of 36 Cardinal's Drive and garages behind. Then side of last garage and beyond to start of path running behind 3 Brooklands and following houses. Then follow this line following the rear boundary of 1 and 2 Brooklands and houses on Church Way (starting 54 Church Way) to corner of 2 Church Way. Then side boundary of 2 Church Way with 140 and 142 Paghams Road. Then along Church Way on the same side and across Paghams Road to follow the boundary of St Ninian's United Reformed Church and Manse House with 191 Paghams Road. Then from corner of this boundary across the open fields, keeping to the orientation of the line of the boundary, to the existing edge of the catchment area."

13. The oversubscription criteria taking into account the proposed variation would be:

1. Looked After Children (children in public care), and previously looked after children.
2. Children who need a place at the school on exceptional and compelling social, psychological or medical grounds. (Information from a qualified professional is sought and this is reviewed by a panel of Senior Officers, including a Senior Educational Psychologist.)
3. Children who live within the catchment area for the school with brothers or sisters already at the school and who will still be there when the child starts.
4. Other children who live in the catchment area for the school to the West of the line shown on the attached map
5. Other children who live in the catchment area for the school to the East of the line shown on the attached map
6. Children who live outside the catchment area with brothers or sisters already at the school and who will still be there when the child starts.
7. Other children who live outside the catchment area.

In the case of oversubscription in any of the West Sussex County Council categories, priority is given to applicants who live nearest the school (measured by a straight line from school to the child's home address, using Ordnance Survey address)"

Among the factors I have considered are the following:

The availability of alternative provision

14. The LA recognised that more places overall were needed and increased Edward Bryant Primary School by one form of entry. St Mary's Roman Catholic School agreed to take additional pupils as did Nyewood Infant Church of England Aided school. Nyewood took the extra pupils from the School's catchment as it was the next nearest school with space.
15. It is clear from studying a map of the area that, when applications in the catchment area exceed the number of places available, there will be a difficulty for families to the west. The LA's oversubscription criterion of radial distance, that is, a straight line from the school to the child's home address obviously causes difficulty if the distance is over water as it would be in measurements to schools to the west of Pagham. I accept that this reduces considerably the option for school places for families in the area.

Travel and Access

16. The objectors argue that travel to alternative schools even to Nyewood Infant School by public transport involves two buses and travelling for over an hour involving travel for parents on eight buses a day. The objectors suggest that the cost of this is £125 per month. Travelling further in to Bognor would take even longer and involve more expense. The minutes of the meeting on 21 June 2012 on managing pupil numbers attended by head teachers of schools in the area and LA officers, show the travel problems are made worse by the fact that funding is not available unless the children are of statutory school age (five plus) and that some parents have sibling children at different schools across town.
17. While travel to more distant schools may be difficult for many parents, I accept that the travel difficulties of parents in Pagham are significantly greater than others in the catchment area as they must travel further to available schools.

Impact of the arrangements on other schools;

18. The LA has increased its provision in the area. It reports that all schools in the area are full for September 2012 and that the change proposed within the School's catchment area will not result in any other schools being undersubscribed. It comments particularly about the three nearby schools where provision has been increased.
 - Edward Bryant Primary increased by one form of entry because of the increase in the number of pupils in central Bognor Regis for 2012 and beyond. The school is always oversubscribed and its increase in numbers does little to ease the pressure for places at the School.
 - St Mary's Roman Catholic School increased its numbers because of the extra Catholic families moving into the Bognor Regis area.

- Nyewood was undersubscribed in the past, but due to the increase in the number of pupils in Bognor including the Rose Green area this school is now full for September 2012.

Projected numbers of pupils in the area.

19. The LA holds a database of children which is pre-populated with information from the Child Health Bureau and Early Years providers. Looking at maps and addresses for those children in the catchment area over the next three years, this arrangement would give 18 - 24 children the priority each year from the area designated west of the proposed line..
20. As an example, looking at the anticipated 2013 entry, shown on map supplied by the LA, the furthest child is 2.4km from the School, 4.4km from Nyewood Infants and 4.9km from Southway Primary. A child near the proposed line is 1.2km from the School, 3.1km from Nyewood Infants and 3.6km from Southway Primary. A child near the eastern edge of the catchment is slightly further from the School (1.4km) but nearer Nyewood Infants (1.2km) and Southway Primary (1.9km). The proposed variation would have the effect of limiting travel for pupils to their nearest school.

Notification about the proposed variation.

21. The LA reports the following communications with relevant bodies, as required to be notified as set out in paragraph 1.44 of the Code.
 - The LA notified the County Council member, Pagham Parents Group and specific residents who had contacted the LA about the impact the growth in the number of pupils had on the admission arrangements at the School.
 - The Bognor and Felpham locality group of schools were notified of the LA's intention at a scheduled meeting on 10 May 2012. This meeting was fully attended by all the head teachers of the area's schools including Edward Bryant Primary School and St Mary's Catholic Primary School
 - The intention was discussed at the Planning Places Board meeting on the 22nd May 2012 which was attended by both the Church of England and Roman Catholic Diocesan representatives.
 - Following discussions with the chair of governors and head teacher at the School notifying them of the LA's intentions the matter was raised with the school's governing body. The position of the line has also been discussed with the head teacher and chair of governors' at the school, and they are in agreement with the proposal.
 - The LA has not notified the adjoining neighbouring local authorities because of the distance of the affected area from the county's borders.

Conclusion

22. The LA has experienced an unprecedented increase in demand for school places. It sought to provide additional places by increasing provision at primary schools in the area. The location of the water boundaries around the area of Pagham prevents families who are unsuccessful in gaining a place at the School from attending schools that are closest by distance. As a consequence schools for these families can only be reached by journeys east. The LA has considered the need for places and effect of the geography of the area when allocating school places and concluded that there has been a major change in circumstances such that it needs to vary the determined arrangements for the School. I have considered the proposed variation and accept that it should meet the needs of the LA in providing school places in the Pagham area. I therefore agree that the LA may vary the admission arrangements for the School.

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by West Sussex Council for admissions in September 2013.

I determine that for admissions in September 2013, the oversubscription criteria for the School shall be:

- 4. Other children who live in the catchment area for the school to the west of the line shown**
- 5. Other children who live in the catchment area for the school to the east of the line shown**

Dated: 31 August 2012

Signed:

Schools Adjudicator: Miss Jill Pullen