

DETERMINATION

Case reference: VAR/593

Admission Authority: St Stephen's Church of England Primary School, Shepherds Bush, Hammersmith and Fulham

Date of decision: 3 October 2012

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by St Stephen's Primary School for September 2013, with the variation to be as described in paragraphs 10 and 13 of this adjudication.

The referral

1. The Governing Body of St Stephen's Church of England Primary School (the School), Shepherds Bush in the London Borough of Hammersmith and Fulham, the local authority (the LA) has referred a variation to the Adjudicator about the admission arrangements (the arrangements) for the School, a voluntary aided school, for September 2013. The proposed variation is to increase the published admission number (PAN) and to make other changes consequent upon the increase in the PAN.

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.

3. Regulation 20 (2) of The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 allows an admission authority to increase its admission number by the governors' own variation. I have therefore informed the School that its proposal in this respect is not within my jurisdiction. I am satisfied, however, that the other parts of the proposed variation are within my jurisdiction.

Procedure

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

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

the School's referral form received on 30 August 2012 and supporting documents, including:

the determined arrangements for September 2013 including the proposed variation to those arrangements;

a map showing the location of the School and other local schools; and

copies of emails of 16 July 2012 notifying the required schools about the proposed variation;

a response from the Diocese of London (the Diocese) of 12 September 2012 and one from the LA of 13 September 2012, both supporting the proposed variation;

a response of 7 September 2012 from the School to queries I raised, including minutes of governors' meetings of 28 February 2012 (when the 2013 arrangements were determined) and 20 June 2012 (when the governors agreed to apply for the variation), together with the arrangements as originally determined; and

a further response of 14 September 2012 from the School to a request I made for revised wording relating to distance measuring.

Consideration of Factors

6. The School has explained that it is responding to an event that it considers a 'major change in circumstances', namely the acquisition of additional accommodation that will enable it to increase its PAN from 30 to 60 from September 2013, with a consequent need to revise its arrangements to take into account the additional places that will become available.

7. I am satisfied that the School notified by email the LA and the Diocese on 22 June 2012, and other schools which it was required to notify on 16 July 2012, of the proposed variation, and that no responses were received. The LA and the Diocese have subsequently expressed their support for the variation.

8. Since the governors have formally agreed to request a variation that includes an increase in the PAN from 30 to 60, I am assuming that they will now proceed themselves to approve a variation to that effect. I am basing my consideration and determination on that assumption. However, if the governors should decide not to approve the increase in PAN, it would be open to them to apply to the Adjudicator to reverse the determination that I am making.

9. The arrangements as determined were for: 28 places to be allocated as 'foundation places' on the basis of various categories of church membership and on the basis of sibling relationships; and two places as 'open places' for children resident in the parish and of other world faiths. These arrangements were technically faulty, in that no provision was made for the allocation of further places if insufficient applications were made under these headings, but this is not perpetuated with the proposed variation. The tie-break provision gave priority to children with medical or social needs and then to children living closest to the School by safe walking route.

10. The arrangements with the proposed variation would: increase the allocation of foundation places (without the sibling provision) to 43; allocate 4 places on the basis of world faiths, with siblings as a priority within that category; and allocate remaining places to children living closest to the School measured by straight line using the LA's Geographical Information System.

11. I am satisfied that, with the increase in opportunity for the children of church families, children of world faiths other than Christianity and children generally, there will be no disadvantage to any particular group of children.

12. Paragraph 1.13 of the Code requires arrangements to make clear 'how the "home" address will be determined and the point in the school from which all distances will be measured'. Since this was not the case with the proposed variation as originally sent to me, I invited the School to restate its provision for distance measuring so as to comply with the Code.

13. The School has provided a revised wording about distance measuring as follows, which I am satisfied complies with the requirements of the Code.

Nearness to the school will be calculated using a straight line measurement (as the crow flies) from the child's home address point determined by Ordnance Survey Data to the centre point of the school as determined by the LA's computerised measuring system. Accessibility by car or public transport will be disregarded. If any applicants share the same address, i.e. live in the same block of flats or shared house, priority will be given to those closest to the ground floor and then by ascending flat number order. In the event more than one child has the same distance, a decision will be made using random allocation.

Other matters

14. Although the individual admission numbers of 43 and 17 are given, the total published admission number of 60 is required by paragraph 1.2 of the Code to be stated, and the School must do so in the 2013 arrangements.

15. It is commendable to make provision for children with 'medical or social needs which can be met at the school'. However, its inclusion as merely part of the tie-break provision might lead some parents to question how seriously the provision is taken. I recommend the School to give this further consideration for 2014 admissions.

16. Although not explicitly required by the Code, it is helpful to parents seeking in-year places for their children if the arrangements for the current school year remain on school websites for the duration of that year.

Conclusion

17. On the basis that the governors are likely to vary the PAN from 30 to 60, I am approving the other parts of the proposed variation, but with modification to the provision for distance measuring as described in paragraph 10, above.

18. I have noted that the version of the arrangements for 2013 admissions that appeared on the School's website, viewed on 10 September 2012, already contained the proposed variations as they were submitted to me, even though they had not yet been determined by the governing body (in respect of the increase in the PAN) and by me (in respect of other matters). The version of the 2013 arrangements on the website must now be corrected to reflect the detail of this determination.

Determination

19. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by St Stephen's Primary School for September 2013, with the variation to be as described in paragraphs 10 and 13 of this adjudication.

Dated: 3 October 2012

Signed:

Schools Adjudicator: Canon Richard Lindley