

DETERMINATION

Case reference: ADA/002178

Objector: Hampshire County Council

Admission Authority: Bishop Challoner Catholic Voluntary Aided Secondary School, Basingstoke

Date of decision: 29 July 2011

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection lodged by Hampshire County Council.

I determine that for September 2012 admissions, the arrangements for Bishop Challoner Voluntary Aided Catholic School should be as follows:

“The PAN for 2012-13 will be 180”.

The referral

1. Hampshire County Council (the Council) has referred an objection to the Adjudicator about the admission arrangements (the arrangements) for Bishop Challoner Catholic School (the School), a voluntary aided school for September 2012. The Council is objecting to the School's admission number being set at 180. This is a significant increase from the previous level of 124. For admissions in 2011, at the school's request, the Council agreed offers over PAN and the roll in September 2011 will be 152. In January and February, the School's Governing Body consulted on increasing the PAN for September 2012 and the Council agreed an increase. It now believes that, at 180, the PAN has been set too high. The Council is objecting to this figure on safety grounds. It questions the School's capacity to accommodate 900 pupils safely.

Jurisdiction

2. These arrangements were determined under section 88(C) of the School Standards and Framework Act 1998 (the Act) by the Governing Body which is the admission authority for the School. The Council submitted its objection to these determined arrangements on June 17th 2011. I am satisfied that this objection has been properly referred to me in accordance with section 88H(2) of the Act, and that it falls within my jurisdiction.

Procedure

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

The documents I have considered in reaching my decision include:

the Council's letter of objection of June 17th and supporting documents;

the School's response to the objection and supporting documentation;

advice from the diocese to the school;

responses from the diocese to the objection;

the Council's information for parents seeking admission to schools in the area in September 2012; and

the School's Ofsted inspection report of March 2010.

In addition to investigating the matters raised by the objector, I have also reviewed the admissions arrangements as a whole and considered whether I should use my power under section 88J(2)(b) of the Act. I am not using my powers under the Act to make further changes to the arrangements.

The Objection

4. The School is oversubscribed and the Council acknowledges that successful appeals to the School have often resulted in an intake higher than the published figure of 124. It has also confirmed an admission figure of 152 for September 2011 as a result of a combination of increased demand from Catholic families and a wish to accommodate some siblings of non Catholic pupils already at the school. It was agreed that a single intake at this level could be admitted without the need for extra accommodation.
5. The most recent agreed Net Capacity Assessment (NCA) provides a maximum capacity of 687 spaces. The School has recently had some building and adaptation works and it is anticipated that the revised NCA will provide a maximum capacity of 777 spaces. If the admission number is set at 180 and stays at that figure, then in five years time the School will have a pupil population of $5 \times 180 = 900$ pupils, which significantly exceeds the available spaces. The council is concerned that the school would not be able to accommodate that many pupils safely. The objection is therefore to the future implications of a permanent admission number of 180.
6. On the basis of its projections, the local authority is not convinced that the increase in local Catholic demand requires the School to set its PAN as high as 180. It acknowledges the contribution of denominational schools to the education service but notes that the Basingstoke area has 6,172 places of which over 1000 are surplus. A PAN of 180 at the School could exacerbate the existing problem

of surplus places.

Consideration of Factors

7. Among the factors I have considered are the projected pupil numbers in the area and the availability of alternative provision, the impact of the proposed PAN on other schools, parental preference and diversity, community cohesion and accommodation at the School.
8. The diocese states that the Catholic pupil population has increased significantly in Basingstoke and its neighbouring areas and that this is most evident at present in the primary phase. The two Catholic primary schools in Basingstoke are oversubscribed and turning away Catholics despite one school having significantly increased its capacity. This trend of increasing Catholic numbers is now beginning to impact on Bishop Challoner. Traditionally the School has been able to offer places to siblings of children who are of other faiths or none as well as a limited number of places to children from the local community in Basingstoke whose parents wish them to receive education in a Catholic school. However recently the demand on Catholic places at Bishop Challoner has risen so much that the School has found itself in the position of turning away Catholics as well as non Catholic children. The diocese states that predictions show the Catholic pupil population is set to increase sharply over the coming years. So too are overall pupil numbers across the County.
9. The Council confirms that extra demand from Catholic families is evident in the primary sector. It also acknowledges that there are only two Catholic secondary schools in Hampshire and that the other one is 37 miles away. The nearest Catholic secondary school in a neighbouring authority is 18 miles away. This limits the options for families seeking a Catholic secondary school place.
10. But the Council's projections for Basingstoke itself, as opposed to the County as a whole, show a drop in the overall secondary roll for the conurbation from 6356 in 2010 to 5881 in 2015. Based on the aggregated 2010 PANs for the conurbation, this would result in 1712 surplus places. However, surplus places in other schools are not in themselves a valid reason to refuse an increase in PAN in an over-subscribed school and the Council has acknowledged this in its dialogue with the School.
11. The School has gathered data from its main feeder primary schools. This indicated clearly that the number of Catholic applications was rising steadily to around 169 per year. It also argues that the oversubscription of the Catholic primary schools means that there are substantial numbers of Catholic applications for non-Catholic primary schools and that these children are also potential applicants

for places at the School.

12. The Code supports parental choice and preference. This is a good school that achieves high standards and there is high demand for places. Catholic schools have a responsibility to serve both the Catholic community and other parents who wish for a school place in a faith based school and the School has traditionally done this. Both the School and the Council are aware that a situation in which the School's intake became 100% Catholic because of oversubscription would not support community cohesion.
13. The Council and the School are in broad agreement around the issues considered so far. An increase in PAN has already been agreed for 2011. The disagreement hinges on the presumption that the proposed 2012 PAN of 180 would become permanent, leading to an overall intake of 900 by 2015.
14. The Council is arguing that, should admissions increase to 180 per year in 2012, then that increased level of intake would need to continue because reducing the admission number would not be possible as long as demand exists. The School is arguing that the consultation was around the 2012 arrangements and that there is no question of the Governors seeking to grow the roll to 900 without a planned building programme to accommodate the expansion. They say they would consult further on the 2013 PAN and admission arrangements should their expansion plans prove impracticable, The diocese is supporting the School in principle to admit 180 in 2012. It has advised the School that PANs can go up and down depending on supply and demand and the availability of accommodation. It has explained to the School that making the PAN of 180 permanent would require physical expansion and that this would trigger statutory processes.
15. The School further argues that it has already undertaken building and adaptation works that have increased the Net Capacity to 777. This capacity would not be exceeded until 2013 and in the meanwhile, it has begun discussion with the diocese about potential funding, Trustee support and consultation for expansion. The governing body has already been asked to present its case to the Diocesan Trustees in the autumn.

Conclusion

16. It is clear that places at the School are in high and increasing demand. Given the paucity of Catholic secondary schools in the area, the parental preference argument for increasing the PAN at the School is a strong one. I also endorse the importance of maintaining a mixed intake to the School in the interests of community cohesion. Whilst an increased PAN at the School in 2012 or subsequent years will clearly contribute to additional

surplus places, the issue of surplus places will require attention whether or not the School increases its PAN.

17. PANs can go up or down and I do not accept that a 2012 increase in the PAN would be irreversible.

18. However the substance of the Council's objection is the issue of safety were the PAN to be maintained at 180 and the School as currently constituted to expand to 900. The Governing Body has made it clear that it has no intention of expanding further without securing additional accommodation. The diocese has set out clearly the statutory path the School will need to follow if it wants to retain an increased PAN of 180 and the School has already embarked on the process. Furthermore, the School will require the agreement of the Council to any statutory proposal for expansion. The School has stated clearly that if it fails to secure the expansion, it will consult in 2013 on varying the PAN. Since the School does not intend to expand to 900 without securing additional accommodation, I cannot uphold the objection on the grounds of safety.

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection lodged by Hampshire County Council.

I determine that for September 2012 admissions, the arrangements for Bishop Challoner School should be as follows:

"The PAN for 2012-13 will be 180".

Dated: 29 July 2011

Signed:

Schools Adjudicator: Janet Mokades