

DETERMINATION

Case reference: VAR/000508

Admission Authority: The London Borough of Haringey

Date of decision: 19 May 2011

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I reject the proposed variation to the admission arrangements determined by the London Borough of Haringey for Hornsey School for Girls.

The referral

1. In an email dated 21st April 2011, the London Borough of Haringey (“the Council”) referred a variation to the Adjudicator about the admission arrangements (“the Arrangements”) for Hornsey School for Girls School (“the School”), a community secondary school, for September 2011. The Council is seeking to vary the published Arrangements by reducing the admission number for year 7 from 243 to 216 for September 2011.

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. I am satisfied that the proposed variation is 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 Council’s variation request form;

- a letter from the School's headteacher to a Council officer dated 14th January 2011;
- the response from the School's Governing Body to the Council's consultation exercise on school admission arrangements for the 2012/13 school year dated 17th February 2011;
- a copy of the Council's "Applying for a Place in Secondary Schools in Haringey 2011-12" booklet..

Background

6. In September 2010, a new secondary school for boys and girls, Heartlands High, opened in Haringey. The availability of these extra year 7 places caused a decline in the number of applications for year 7 places at several nearby schools. In the case of two of these schools, the Council predicted the impact of the new school and, through the normal consultation round, reduced their year 7 admission numbers. However, the Council did not predict that the impact on the School, the only girls' school in the Borough, would be as significant as it proved to be. Instead of the broadly neutral effect which was predicted, the PLASC data for January 2011 shows a year 7 cohort of 201 compared to a year 8 cohort of 237, representing a year on year decrease in year 7 pupil numbers of 36 (15%).

7. The Council believes this drop in pupil numbers represents a major change of circumstances as required by paragraph 4.25 of the Code. Whilst the Code does not define the nature of such circumstances it does provide further guidance. Paragraph 4.25 states there must be "*a serious and unexpected event affecting provision of education at the school*"; whilst paragraph 4.23 states that admission arrangements may only be varied in "*very limited circumstances*".

8. The Council, supported by the School, believes that the proposed change to the admission number will "*allow the School to remain stable and manage effectively*"; allow the School to better manage class sizes; and help avoid any "*financial planning difficulties*."

9. In a letter from the School's headteacher to a Council officer, dated 14th January 2011, the headteacher states "*I am delighted you will be able to reduce the PAN to 216*" and "*in line with other Haringey schools we agreed it would be useful to limit our current pupil places in other year groups*." It is important to note that in-year variations to admission numbers can only be made by the Adjudicator and, if approved, such a variation only applies (see paragraph 1.16 of the Code) to the "*relevant age group*" which is defined as "*an age group in which pupils are or will normally be admitted to the school*". Therefore, in the case of the School, such a variation can only be requested in relation to years 7 and 12. It follows that I can only consider the impact of this variation in relation to year 7, as neither the School, the Council nor the Adjudicator has the power to change the admission number, through a variation, in any other year group in key stages 3 and 4.

Consideration and Conclusion

10 The Council contends there has been a major change in circumstances since the admission arrangements were determined. I have not been presented with any convincing evidence to suggest that this is the case. The only thing that is certain is that the year 7 intake in 2010 was some 15% below that of the previous year. In January 2011, the School had 1134 pupils. I do not believe that, even if the reduction in the year 7 roll predicted by the Council for September 2011 does occur, that it would be a sufficiently serious event to compromise the quality of education at the School and therefore to warrant approving this proposal. In any event, it is a circumstance that has not yet occurred. I have considered the guidance provided by paragraphs 4.23 and 4.25 of the Code (see paragraph 7 above) and concluded that there has not been a major change of circumstances at the School.

11 The Council has supplied data showing the "*current overview of the admission situation for Haringey's secondary schools*". This shows that the Council has offered 237 places at the School for September 2011, of which 170 have been accepted. The Council has predicted, on the basis of the out-turn of the 2009-10 admissions round, that "*pupil numbers will drop to 216 before the start of the new school year.*"

12 The Council has also provided data showing its prediction of the impact of this proposal on the availability of year 7 places at the twelve secondary schools in the Borough in September 2011. This shows that 9 of these schools would be likely to have no available places whilst a tenth would have only three. Only two schools are likely to have a significant number of available places. Both are faith schools, one Roman Catholic and one Seventh Day Adventist

13 I have noted that this variation request was made in April 2011, almost 6 months after the 31st October 2010 deadline by which parents were required to indicate their preferred choice of secondary school and over seven months after the size of the School's 2010 year 7 roll and its potential impact was known. Paragraph 4.26 of the Code states: "*Admission authorities must decide whether it is necessary to refer a variation to the Adjudicator. They must not do so once the deadline for applying for a school place has passed unless a major change in circumstances makes this unavoidable.*" In this case it is clear that the Council had data about the reduced size of year 7 at the School many months before referring this variation proposal to the Adjudicator. They also had the same information at least one month before the deadline for expressing parental preferences in October 2010. This referral could have been made much earlier and in accordance with paragraph 4.26.

14 I have also taken into consideration the fact that 237 places have been offered, that many parents have yet to respond to these offers, and that, if I were to approve this variation, the Council's data shows the effect could be to reduce parent's choice of secondary school in the future. Finally, I also note that the Council has not consulted other admission authorities on this proposal.

15 In light of the above facts, I believe that any change to the School's admission number should be achieved through the normal consultation

process. This will enable parents to apply for places with full knowledge of the number of places available at the School; for the Council and School to establish whether the drop in the number of accepted places from 2009 to 2010 is repeated; to clarify the extent to which any emerging pattern is likely to adversely impact on the School; and wider consideration of, and consultation on, the impact of such a change on both the overall supply of year 7 places across the wider area and parent's ability to obtain a place at a school of their choice.

Determination

16 In accordance with section 88E of the School Standards and Framework Act 1998, I reject the proposed variation to the admission arrangements determined by the London Borough of Haringey for Hornsey School for Girls.

Dated: 19 May 2011

Signed:

Adjudicator: John Simpson