

## **DETERMINATION**

**Case reference:** VAR/000612

**Admission Authority:** The governing body of Lawrence Sheriff School, Rugby

**Date of decision:** 27 August 2013

### **Determination**

**In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements for Lawrence Sheriff School.**

**I determine that for admissions in September 2014 the admission arrangements shall include priority for the admission of pupils in receipt of the pupil premium.**

### **The referral**

1. The headteacher of Lawrence Sheriff School (the school) on behalf of the governing body, the admission authority for the school, has referred a variation to the Adjudicator about the admission arrangements (the arrangements) for the school, a voluntary aided grammar school for boys, for September 2014.
2. The request is to vary the arrangements to include in the oversubscription criteria priority for admission to the school for pupils in receipt of the pupil premium following the grant of the power to innovate for this purpose.

### **Jurisdiction**

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) as modified by The Lawrence Sheriff School (Pupil Premium Admissions Priority) Order 2013 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, 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 subsection] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations”.
4. I am satisfied that the proposed variation is within my jurisdiction.

## **Procedure**

5. In coming to my conclusions, I have had regard to the relevant legislation and the School Admissions Code (the Code)
6. The documents I have considered in reaching my decision include:
  - a. the school's referral of 18 July 2013, supporting documents and subsequent correspondence;
  - b. the determined arrangements for 2014/2015 and the proposed variation to those arrangements;
  - c. a copy of the "Power to Innovate Application for Order" form of 31 May 2013;
  - d. a copy of The Lawrence Sheriff (Pupil Premium Admissions Priority) Order 2013 (the Order) of 18 July 2013;
  - e. the LA's booklet for parents seeking admission to schools in the area in September 2013;
  - f. the response of 21 August 2013 of Warwickshire County Council, the local authority (the LA) to the requested variation; and
  - g. a copy of the letter of 16 August 2013 to those being notified about the proposed variation.

## **Background and Consideration of Factors**

7. The governing body of the school has been concerned about the low proportion of pupils who are eligible for free school meals gaining a place at the school. Academy schools may be granted permission through their funding agreement to give priority for admission to pupils in receipt of the pupil premium. There is no equivalent permission for a voluntary aided school and thus the school discussed with the Department for Education whether there may be a route that it could take to help it to encourage pupils who may otherwise not seek a place at the school so that it returns, over time, to the social diversity it had 15-20 years ago.
8. The school has taken the opportunity to seek permission to use the provision in section 2(1) of the Education Act 2002 to take action that would otherwise not be permitted by the Code.
9. The Order was laid before Parliament on 20 June 2013 and came into force on 18 July 2013. It gives permission for the school to give priority for admission to the school to admit a pupils for whom the pupil premium is payable. It also provides a modification of section 88E(1)(b) of the Act such that the adjudicator may consider a variation

to determined admission arrangements without the change being required because of “a major change in circumstances occurring since they were so determined.”

10. The school carried out the required consultation prior to making its “Power to Innovate Application for Order”. There were two responses, one supporting the proposal and one concerned about the possibility that it might lead to “playing the system”. Since the granting of the Order the school has met the requirement in section 88E(2)(b) of the Act to “*notify the appropriate bodies of the proposed variations.*” In response to this notification the LA has written in support of the variation to the arrangements for 2014.
11. I have taken into account the arrangements as determined and the action that the school has taken to seek the views of all those who may have an interest in the school’s admission arrangements for 2014. It is clear to me that all who may have wished to make their views known on the inclusion of priority for pupils in receipt of the pupils premium have had plenty of opportunity to do so.
12. The oversubscription criteria for admission to Year 7 as in the proposed amendment would continue to give highest priority to looked after and previously looked after children who meet the qualifying score. The second criterion remains for 50 per cent of places in the Eastern Area of Warwickshire and is then then modified so that places would first be allocated to pupils who achieve the qualifying score and who would be eligible for the pupil premium followed by others in the designated area. The third criterion for the second 50 per cent of places would again give priority for pupils in a designated area, the priority circle, who achieve the qualifying score and would be eligible for the pupil premium, and then other pupils in that area.
13. The school has permission to include priority for admission of boys eligible for the pupil premium by way of the Order. I have therefore considered whether the way the school proposes it should amend its arrangements for 2014 meets the requirement of the Code which in paragraph 14 says, “In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.”
14. The proposed amendment is clear and objective. I have noted that the school when it determined its arrangements increased its admission number from 94 to 120. This leads me to the view that no boys who would have been admitted prior to the proposed change will fail to gain a place because of boys given priority under the pupil premium criterion. I am satisfied therefore that the amended arrangements would also be fair.

15. I have also considered any implication for 2014 admissions arising from the fact that the closing date for entry for the 11+ tests was 11 July. I enquired from the school whether those boys and parents that the school is aiming to encourage to take the tests will have known of the possible change to the admission arrangements. I am satisfied that there has been suitable publicity about the proposed change and that if there is anyone who has missed the date for application to take the test and the boy will be eligible for the pupil premium, the school will try to make arrangements to accommodate a late entry.

### **Conclusion**

16. The Order permits the school to give priority for admission to pupils who will be eligible for the pupil premium and does not require there to have been a major change in circumstances for there to be a variation to the school's admission arrangements. I have therefore considered whether the proposed variation to the school's arrangements is clear, and it is fair and reasonable to amend the arrangements for 2014. I am satisfied that I should approve the variation.

### **Determination**

17. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements for Lawrence Sheriff School.

18. I determine that for admissions in September 2014 the admission arrangements shall include priority for the admission of pupils in receipt of the pupil premium.

Dated: 27 August 2013

Signed:

Schools Adjudicator: Dr Elizabeth Passmore