

DETERMINATION

Case reference: VAR/000518
Admission Authority: Sandwell
Date of decision: 17 August 2011

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements for September 2012 for Perryfields High School, Sandwell.

The referral

1. Sandwell Council ("the Council") has, in its capacity as the admission authority for Perryfields High School ("the School"), a community school, referred a variation to the Adjudicator about the admission arrangements ("the Arrangements") determined for that school for admissions in September 2012. The request was for the Arrangements to be varied so as to reduce the published admission number ("PAN") from 240 to 215.

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 and guidance and the School Admissions Code ("the Code").

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

the Council's letter of 5th July 2011, variation request form, supporting documentation, and further information in response to my enquiries;

evidence of the appropriate bodies having been notified about the proposed variations; and

an explanatory note from the School forwarded by the Council on 11th August 2011.

Consideration of Factors

6. The Council believes that the Government's withdrawal of the Building Schools for the Future programme ("BSF") constitutes a major change of circumstances. The Council and the School have argued that, with the cancellation of BSF, the School has found itself with accommodation that is inadequate to sustain the PAN which was adopted in an expectation of building developments under BSF. It is not clear to me why this factor was not taken into account in time for the original determination of the Arrangements.

7. The proposed PAN would be less than the indicated admission numbers ("IAN") resulting from the net capacity assessments ("NCA"). Regulation 4 of The School Admissions (Admission Arrangements) (England) Regulations 2008 ("the Regulations") requires an admission authority to have regard to the current indicated admission number when determining an admission number. Paragraph 1.17 of the Code requires an admission authority proposing to set an admission number lower than the IAN to publish its intention and notify the required bodies of its intention, so that objections can be made by any who wish. Although these references in the Regulations and the Code are to admission numbers below indicated admission numbers being set as part of the original determination of arrangements, I believe that the Regulations and Code imply that I should give particular consideration to these factors.

8. The IAN for the School is 220; the PAN is 240; the number of pupils admitted since that PAN was adopted was 240 in 2010 and is expected to be 239 in 2011. The PAN proposed for the variation is 215. The number of applications (with all six preferences) has varied between 744 and 688 from 2008 to 2011, with 15 appeals in 2011. The projected numbers of pupils are 221 and 233 for 2012 and 2013, respectively.

9. I have been sent the minute of the governors' meeting on 14th June 2011, at which they approved the variation. However, I have not seen any evidence that parents or prospective parents have been consulted about the variation.

10. The Council and the School have argued that the PAN was raised from 220 to 240 in anticipation of BSF funding to redevelop the school premises. The School was, the School says, originally built for 550 pupils, and, although 12 and now a further four, mobile classrooms have been added, the accommodation is inadequate for the number of pupils based on a PAN of 240. The School says that some of the mobile classrooms are unsuitable for long term use, the hall is used for a multiplicity of purposes and corridors are over-congested. However, no explanation has been offered as to why the PAN was increased in advance of the actual implementation of the BSF plans.

11. The NCA was based upon there being 12 mobile classrooms available, and produced a net capacity of 1187, resulting in an IAN of just 220. I am conscious of the fact that capacity based on the planned admission number (the number of children it was planned to admit) exceeded that net capacity figure. However, the School has recently received a further four mobile classrooms, which I estimate would probably have the effect of roughly equalising the capacity based on the planned admission number with the actual capacity based on measuring the School accommodation.

12. The Council has told me that 'there is sufficient space in neighbouring secondary schools to absorb the impact of a reduction in Perryfields' PAN'. In assessing such accommodation on the basis of data provided by the Council, I have decided that a reasonable interpretation of 'neighbouring' is two miles. On that basis, there are six 'neighbouring secondary schools'. Of those six schools, three admitted at or almost at their PANs in September 2010, so can be discounted. For the three remaining, the position was as follows in September 2010.

| | PAN | Admitted |
|---------------------------------|------------|-----------------|
| Castle High, Dudley | 210 | 124 |
| Four Dwellings High, Birmingham | 143 | 130 |
| Lordswood Boys, Birmingham | 130 | 121 |

13. Although there would be sufficient places available within two miles of the School for children who, apart from the variation, might have attended the School, none of these places is in Sandwell, and I have not been presented with evidence of consultation with other local authorities about the long term feasibility of children being admitted to their schools. Moreover, the tenor of the Code is clearly to encourage opportunities for parental choice (for example, in paragraphs 1.3, 1.9, 1.11 and 1.12), and reducing the School's PAN in the face of demand at least equal to the present PAN and to a number below the IAN would be perverse. No rationale has been offered for the requested figure of 215 for the PAN. I have considered whether to agree a reduction to the level of the present IAN of 220, but, in view of the arrival of additional mobile classrooms, do not believe that such a reduction would be justified.

Conclusion

14. I sympathise with the Council's and School's difficulty in the fact of the cancellation of BSF, with the less than ideal accommodation that may well be the result at the School. However, a higher weight must be given to the matter of parental choice. The School is clearly popular with parents, and there has been no opportunity for parents to express their views about the proposed reduction in the PAN or about the practical alternative options that would be open to them. The Council will have an opportunity to publish a PAN lower than the IAN for admissions in 2013. I am not approving the variation.

Determination

15. In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements for September 2012 for Perryfields High School, Sandwell.

Dated: 17 August 2011

Signed: 

Schools Adjudicator: Canon Richard Lindley