

## DETERMINATION

**Case reference:** ADA/002365

**Objector:** The governing body of Old Cleeve Church of England Voluntary Controlled First School, Washford, Watchet, Somerset

**Admission Authority:** Somerset County Council

**Date of decision:** 31 July 2012

### **Determination**

**In accordance with section 88H (4) of the School Standards and Framework Act 1998 I uphold the objection to the admission number of Old Cleeve Church of England Voluntary Controlled First School as determined by Somerset County Council for admissions in September 2013.**

**By virtue of section 88K (2) of the Act the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements as quickly as possible.**

### **The referral**

1 An objection has been referred to the adjudicator by the governing body (the objector) of Old Cleeve Church of England Voluntary Controlled First School (the school), about the admission number determined for the school for 2013/14 by Somerset County Council (the council), the admissions authority for the school.

### **Jurisdiction**

2 These arrangements were determined under section 88C of the School Standards and framework Act 1998 by the council which is the admissions authority for the school. The objection was dated 27 June 2012. I am satisfied this objection has been properly referred to me in accordance with section 88H of the Act and that it falls within my jurisdiction.

### **Procedure**

3 In coming to my conclusions I have had full regard to all relevant

legislation and the School Admissions Code (the Code).

4 The documents I have considered in reaching my decision include:

- an email from the objector dated 27 June 2012 in which it sets out the objection;
- a letter from the objector to the council dated 27 June 2012;
- a letter from the objector to the adjudicator dated 24 July 2012;
- the report on the latest Ofsted inspection of the school which took place in January 2011;
- the council's admission arrangements for 2013/14;
- the council's composite prospectus for primary school admissions in 2012/13;
- a letter from the Diocese of Bath and Wells (the diocese) dated 18 July 2012 in response to the objection; and,
- letters from the council dated 19 July 2012 and 25 July 2012 in response to the objection.

### **The Objection**

5 This objection is to the council's determination that the school's published admission number (PAN) should be 18. The objector states that the school has been oversubscribed for several years and that, despite it requesting an increase in its admission number to 26 on two occasions, the council has refused to increase it.

### **Background**

6 Old Cleeve is a small and growing voluntary controlled Church of England first school in Washford, Somerset which caters for pupils aged 3-9 years old. It has an admission number of 18 and a roll in recent years of around 150. The school serves a village community and draws an increasing number of pupils from a little further afield. All pupils are of White British heritage. The proportion of pupils with special educational needs and/or disabilities is broadly average, as is the percentage known to be eligible for free school meals. At its last Ofsted inspection, in January 2011, the school was judged to be outstanding.

7 The school is part of the Quantock Federation of three Church of England schools which share an executive headteacher and governing body.

### **The School's Case**

8 In each of the last three years the school has been oversubscribed and, after the appeals process, has admitted more than 18 pupils (its admission number) to its reception year (30 in 2012, 29 in 2011 and 24 in 2010). The school anticipates that this trend will continue in 2013.

9 According to the school, this situation has arisen because local independent appeals panels have historically accepted all parental appeals. In the school's view this has caused "*considerable parental anxiety*" as well as wasted resources. The school wishes to increase its admission number to 26 so it can better meet parental demand. It states that it has requested that the council take this step on two occasions.

### **The View of the Council**

10 The council states that it consulted on its admission arrangements between 5 January and 19 February 2012 and that, while "*officers noted general conversations with the headteacher about his wish to increase his PAN there is no record of any formal objections to the PAN by the governing body this year or in previous years.*"

11 The council goes on to say that if it had received a request to increase the school's admission number it would have refused it on the basis of the number of available places at other first schools in the area. It refers to two neighbouring schools, one of which, Knight's Templar First School, has the capacity to admit a further 70 pupils. The council believes that an increase in the school's admission number would be detrimental to Knight's Templar.

12 The council states that 63 per cent of children who attend the school live within its catchment area and that this indicates that the current admission number is sufficient to meet demand from local families.

13 The council also expresses concerns about the physical capacity of the school and the availability of suitable accommodation. It states that only three of the school's five classes are taught in teaching spaces designed as classrooms, with the other two being accommodated in a 26 square metre room designed for group work and the school's library/ICT suite respectively.

### **The View of the Diocese**

14 The diocese notes that the council has admitted significant numbers of children above the school's admission number in each of the last three years. It concludes that the proposed increase to the admission number "*is arguably simply a formalising of the existing situation.*"

15 The diocese is concerned about the school's facilities, referring specifically to limited play spaces, access and parking. Lastly, it refers to the potential impact of an increased admission number on two local first schools, again, like the council, mentioning Knights Templar First School in particular.

### **Consideration**

16 Paragraph 1.3 of the Code permits voluntary controlled schools to object to the adjudicator if the admission number set for them is lower than

they would wish and states that there is a strong presumption in favour of an increase to which the adjudicator must have regard when considering any such objection.

17 The school has been judged by Ofsted to be outstanding and demand for places exceeds the admission number. The council and the diocese are concerned about the suitability of the school's accommodation and facilities and the impact of any increased admission number on neighbouring schools. However, the most recent Ofsted inspection of the school (when its roll stood at 149) described the school's provision as being outstanding with no negative comments being made about the suitability of the accommodation.

18 The school believes it can manage the accommodation effectively and has made recent investments to enhance a teaching space and the outdoor facilities. The school's Ofsted inspection report noted that all parents were happy with their children's experience at the school. This independent finding, and the school's popularity with parents, indicates that parents do not share the council's and the diocese's concerns about the suitability of the accommodation. I have noted the diocese's comment that the proposed admission number would formalise the existing situation rather than add any new pressures.

19 The school states that, for each of the last three years, the council has offered places to all pupils whose parents have appealed for a place before the relevant independent appeals panels have met. This has meant that the school has admitted more pupils than the school's published admission number for three of the last four years. I believe that all the evidence shows that the increased admission number sought by the school will not bring any new pressures which will result in any deterioration in the outstanding quality of education it provides.

20 The council and the diocese are also concerned about the impact of an increased admission number on neighbouring schools. However, the popularity of the school with parents who do not live in its catchment area shows that parents are deliberately expressing a preference for the school over their local alternative. These preferences should be respected.

21 I do not believe that concerns about the suitability of the school's accommodation and facilities nor the impact of an increased admission number on other schools are sufficient reasons for me to waive the strong presumption in favour of an increase which is clearly stated in the Code and to which I must have regard.

22 The council states that the school did not object to the proposed admission number during the formal consultation period on its admission arrangements. The school accepts that it did not make a formal objection but states that it was "*not advised that we should object more formally.*" However, the council was clearly aware of the school's objective in this regard and,

anyway, said it would not have approved an increased admission number even if a request to make such a change had been formally made. Whatever communication took place between the council and the school in recent years, the school has objected to the determined admission number in accordance with paragraph 1.3 of the Code and before the 30 June 2012 deadline set out in the Code. The objection is therefore entirely valid.

### **Conclusion**

23 For the reasons set out above I uphold the objection to the admission number for the school.

### **Determination**

24 In accordance with section 88H (4) of the School Standards and Framework Act 1998 I uphold the objection to the admission number of Old Cleeve Church of England Voluntary Controlled First School as determined by Somerset County Council for admissions in September 2013

25 By virtue of section 88K (2) of the Act the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements as quickly as possible.

Dated: 31 July 2012

Signed:

School Adjudicator: John Simpson