

DETERMINATION

Case reference: VAR/580

Admission Authority: Brentwood County High School

Date of decision: 10 September 2012

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 Brentwood County High School for September 2013.

I have also considered the arrangements in accordance with section 88I of the Act. I determine that they do not conform with the requirements relating to admission arrangements in the way set out in this determination.

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

The referral

1. The Governing Body of Brentwood County High School (the School) has referred a variation to the Adjudicator about the admission arrangements (the arrangements) for the School, a foundation secondary school with a sixth form, for September 2013. The proposed variation is to reduce the published admission number (PAN) from 243 to 180.

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.

4. I have also used my powers to consider the arrangements as a whole in accordance with section 88I of the Act.

Procedure

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

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

the School's referral form received on 8 June 2012 and supporting documents, including:

the determined arrangements for September 2013 and the proposed variation to those arrangements;

a map showing the location of the School, other local secondary schools and their catchment areas; and

the minutes of the meeting of the governors on 27 March 2012 when the Arrangements and proposed variation were approved;

a copy of the letter of 1 August 2012 notifying the appropriate bodies about the proposed variation;

responses from Essex County Council (the Council) of 11 and 19 July and 22 August 2012; and

a letter from the School dated 16 August 2012 in response to enquiries that I raised, enclosing a copy of the 2009 consultation document relating to the proposed closure of Sawyers Hall College.

7. In addition to considering the matters raised for the variation I have also reviewed the admission arrangements as a whole and considered whether they meet the requirements of the Code.

Consideration of Factors

8. The School and the Council have, between them, explained that the School is responding to an event that it considers a 'major change in circumstances', namely the establishment from 1 September 2012 of a new free school, Becket Keys Church of England School, in the premises of the former Sawyers Hall School, which closed on 31 August 2012 as a result of the Council's attempt to reduce surplus secondary school places in the area.

9. The School's proposal, supported by the Council, is to reduce its PAN for September 2013 from 243 to 180. The Council believes that, since the reduction in PAN is designed to compensate for the creation of additional school places at the new free school, there will be no adverse impact on other schools by the proposed reduction in the PAN.

10. The numbers of children admitted to the School from 2008 to 2011 were at or almost at the current PAN of 243, and the School has told me that

there were 730 and 725 applications for places in 2010 and 2011, respectively. However, the School says that there has been a marked reduction in applications, with 202 applicants for places in September 2012, and that it expects a further fall in numbers for places in September 2013 if the new free school 'proves itself' during its first year. The School has cited the Council's predicted figures of 152 admissions in 2012, 143 in 2013 and 155 in 2014. I am assuming that these figures take into account the opening of the new free school, but also note that, in this context, they must be somewhat conjectural.

11. The secondary schools within the immediate vicinity of the School are, with the approximate distances from the School, as estimated from the map which the School has provided:

Brentwood Ursuline Convent High School: 0.2 mile;
Becket Keys Church of England School: 0.8 mile;
Shenfield High School: 1.9 miles; and
St Martin's School: 1.7 miles.

12. The School has provided the PANs and numbers of children being admitted in September 2012 as:

	<u>PAN</u>	<u>No. expected</u>
Ursuline:	166	166
Becket Keys:	150	123
St Martin's:	272	272
Shenfield:	228	156.

The School claims that the PAN at Becket Keys has been increased to 176, but I have not seen evidence for that claim, and the Becket Keys website (viewed on 21 August 2012) shows PANs of 150 for 2012 and 2013.

13. For admissions in 2011, the School's catchment area was significantly enlarged to the north west of the previous catchment area, but the School says that the effect has been minimal in terms of additional admissions.

14. The fact that a school or local authority envisages lower numbers of admissions than the PAN is not in itself sufficient reason for reducing the PAN. So I have asked the School to justify its proposed reduction in terms of school organisation and other education factors, including the use of accommodation.

15. The School has replied in the following terms.

a. It believes that surplus places 'can be challenging from a management and budgetary perspective', and that operating on the basis of six forms of entry would facilitate an appropriate curriculum and improve standards, with some joint curriculum provision with other Brentwood schools.

b. It envisages a higher quality of education, better differentiation and

mitigation of the present effects 'of educating so many students on a relatively small site'.

- c. It wishes to utilise surplus accommodation to improve 'the breadth of sports options' and 'more vocational education, such as building, decorating , hair and beauty, etc.'
- d. It is proceeding on the basis that the legislation will allow the PAN to be increased 'if we feel that is appropriate'.

16. Some of these reasons for seeking a reduction in the PAN are expressed in very general terms, which make it difficult to assess the seriousness of the issues involved and the extent of the planning that lies behind the proposed reduction. On the other hand, it would clearly be easier for definite organisation, curriculum, staff and accommodation planning and budgeting to take place on the basis of reasonable certainty about the maximum number of children likely to be admitted each year.

17. Against this must be weighed the issue of parental choice, the fact that more children are likely to be admitted in September 2012 than the number for which provision would be made under the proposed reduced PAN for 2013, and the uncertainty about the level of applications that will emerge for 2013 and subsequent years.

18. I note from the Council's consultation document that preceded the proposal and decision to close Sawyers Hall College that (excluding the Ursuline Catholic School, which draws children from a wide area), admissions to Year 7 in the four local schools were around 800 children each year. On the basis of a fairly static level of demand, I have calculated that sufficient Year 7 places (numbering 830) would be provided by the four local schools, taking into account the proposed reduced PAN at the School.

19. The Net Capacity Assessment for the School with which I have been provided indicates that the present accommodation provision is comfortably sufficient for a school roll based on an admission number of 243. So I do not accept the implication of the School's submission that present accommodation is barely sufficient for the education of the present number of pupils. On the other hand, it may well benefit the breadth of curriculum provision to have more accommodation available and it may also enhance the sporting provision if, as the School has also implied, the site is relatively small.

20. I am satisfied that the School properly notified the other schools within the Council's area, as required by the legislation, but, since this notification took place on 1 August 2012, when all schools would have closed for the summer holidays, I have allowed sufficient time during the early part of September 2012 for any schools to respond who wished to do so.

Other matters

21. In considering the Arrangements as a whole, I have noticed the omission, for the purposes of distance measuring, of a means of determining children's homes in cases of uncertainty and a point at the School that will be

used for measuring, as required by paragraph 1.13 of the Code. The School has responded that the information is contained in the relevant booklet contained on the Council's website. However, I have not been able to find it in the secondary school admission arrangements for 2013 on the Council's website (viewed on 21 August 2012), and in case there is no reference to the Council's paper or online booklets in the School's arrangements. In order to comply with section 88K of the Act, this must be rectified by the School and the Council.

Conclusion

22. Whatever the popularity of the new free school proves to be, it is possible that the number of applications for places at the School for September 2013 could still exceed the number in the proposed variation to the PAN. To that extent the variation is being proposed on the basis of some degree of speculation. My concern must be that parental choice should be met as far as possible, and I am therefore reluctant to approve a variation that might have the effect of denying parents places at the School as the school of their choice.

23. I recognise and accept the practical and curriculum benefits that might well accrue to the School from a reduction in the PAN for 2013. However, on the basis of the evidence presented to me, I am not convinced that sufficient modelling and definite planning has taken place to justify a reduction in the PAN on this basis.

24. I am therefore not approving the proposed variation, but am making my decision in the knowledge that the School can return to the issue with regard to the arrangements that are determined for 2014 or a subsequent year, if its fears about future levels of admission are fulfilled and on the basis of more definite planning.

Determination

25. In accordance with section 88E of the School Standards and Framework Act 1998, I reject the proposed variation to the admission arrangements determined by Brentwood County High School for September 2013.

I have also considered the arrangements in accordance with section 88I of the Act. I determine that they do not conform with the requirements relating to admission arrangements in the way set out in this determination.

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

Dated: 10 September 2012

Signed:

Schools Adjudicator:
Canon Richard Lindley