

DETERMINATION

Case reference: VAR651

Admission Authority: Central Bedfordshire Council

Date of decision: 22 October 2014

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Central Bedfordshire Council for Streetfield Community Middle School for September 2015.

I determine that the published admission number shall be reduced to zero to remove provision for admission to Year 5 at the school.

The referral

1. Central Bedfordshire Council, which is the local authority (LA) and admission authority for Streetfield Community Middle School (the school), has referred its request for a variation to the admission arrangements (the arrangements) for the school to the Office of the Schools Adjudicator (OSA). The variation is to reduce the published admission number (PAN) of 130 for Year 5 (Y5), which is the normal year of entry for the school, to zero for September 2015. The school is due to close in August 2016 and the LA does not wish to admit children to Y5 of the school in the preceding September.

Jurisdiction

2. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 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 (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 the School Admissions Code (the Code).
5. The documents I have considered in reaching my decision include:

- a. the LA's request to the OSA for an in-year variation, dated 4 September 2014 and the accompanying email;
- b. reports and minutes from Central Bedfordshire Council's executive committee (with appendixes and maps) concerning the closure of the school dated 4 February 2014, 27 May 2014 and 19 August 2014;
- c. the consultation document on the proposed closure of Streetfield Community Middle School, dated 24 February 2014;
- d. the statutory notice to close Streetfield Community Middle School, Caddington published by the LA on 9 June 2014;
- e. the LA's determined admission arrangements, including PANs, dated April 2014 for admission to community and voluntary controlled schools in September 2015;
- f. the LA's composite prospectus for parents seeking admission to schools in central Bedfordshire in 2015 dated September 2014;
- g. the notice which the LA sent to the appropriate bodies to inform them of its intention to seek a variation to the arrangements and an invitation to comment; and
- h. a letter sent from the headteacher of Streetfield to the OSA, dated 26 September 2014, expressing concerns about the decision to close the school.

Background and consideration of factors

- 6. Streetfield Community Middle School is a middle, deemed secondary, school for pupils aged 9–13 years, situated in Caddington, Dunstable. The school thus caters for children from Y5 until Year 8 (Y8).
- 7. Education in central Bedfordshire has been significantly reorganised over the past few years to change from a largely lower, middle and upper school system to a primary and secondary school system. By the summer of 2014 the majority of academies and maintained schools serving the area of Dunstable and Houghton Regis, where the school is situated, had changed or were in the process of changing their age ranges, from supporting a three tier system, to support a two tier model of primary and secondary schools. The closure of the school was proposed as part of a wider council plan for the closure of three middle schools situated in the southern part of central Bedfordshire.
- 8. By January 2014 the school was less than 70 per cent full with 361 pupils on roll against a capacity of over 520. In addition, relatively few families were seeking places at the school for their children; against a PAN of 130 only 20 requests and offers were made for admission to Y5 in September 2014.

9. On 24 February 2014 the LA began to consult on a proposal to close the school with a view to making a final decision in August 2014. Consultation ended on 7 April 2014 and the LA published the statutory notice to close the school on 9 June 2014. The statutory four week period of representation, as prescribed under section 16(2) of the Education and Inspections Act 2006 and Schedule 3 paragraph 5 the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013, followed and ended on 7 July 2014. Central Bedfordshire Council's executive committee determined to close the school on 19 August 2014. The closure was to be staged in the manner set out in the consultation document. No new pupils were to be admitted in 2015 and following the gradual transfer of pupils to other schools the school would close on 31 August 2016.
10. Admission authorities are required by regulation 17 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (the Regulations) and paragraph 1.46 the Code to determine admission arrangements each year by 15 April. The LA was legally required to determine arrangements for the school including a PAN for admissions in 2015 notwithstanding the fact that it was already consulting on proposals to close the school. Not to do so would have been to pre-empt the statutory processes which govern the closure of schools. The LA accordingly determined arrangements for the school for September 2015 including a PAN of 130 (which was the same PAN as had applied in previous years).
11. On 4 September 2014, the LA requested the variation to reduce to zero the PAN for Y5, which is the normal year of entry for the school, for September 2015. The request was made in accordance with paragraph 3.6 of the Code which states that *"once admission requirements have been determined for a particular academic year, admission authorities may propose such changes as they consider necessary in view of a major change in circumstances and that such proposals must be referred to the School's Adjudicator for approval."* The LA has decided that the closure of the school is a major change in its circumstances which warrants a variation to its admission arrangements. The LA has taken the view that for children to start at the school in September 2015 only to have to move to a new school the following year when the school closes would not be sensible. The LA therefore informed the relevant persons and organisations of its request to the OSA to remove the possibility of admission to Y5 and invited comment. Families who had requested a place at the school were contacted individually. All admission authorities in the area and governing bodies of community and voluntary-controlled schools were informed via a notice in the LA's academy and school newsletter. Luton Borough Council and Hertfordshire County Council who are adjoining neighbouring authorities were notified via email.
12. In September 2014, the LA published its composite prospectus for admission to all state funded schools in central Bedfordshire and, because the variation had not yet been considered, details about admission to Streetfield had to be included in the prospectus. However, a message

alerts parents to the change in circumstances. It states "*following the decision at the Executive on 19 August 2014, Streetfield Middle School will close in August 2016. As a result there will be no intake of pupils into Y5 in the Transfer to Middle 2015 admission round.*"

13. I have considered the circumstances of the school and the actions that the LA has taken before seeking a variation to the school's arrangements. I am satisfied that the requirements for notification have been met. The LA acted properly in determining admission arrangements for 2015 and has since responded to the decision to close the school. My role is simply to consider the proposed action that is a response to the agreed closure of the school. I accept that for children to join the school for one year only and then to have to move again is not in the interests of their education. I conclude I should approve the variation to reduce to zero the PAN for 2015 for the school.

Conclusion

14. I have concluded that the proposed variation to the arrangements is an appropriate response to the school's changed circumstances and planned closure.

Determination

15. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Central Bedfordshire Council for Streetfield Community Middle School for September 2015.

16. I determine that the published admission number shall be reduced to zero to remove provision for admission to Year 5 at the school.

Dated: 21 October 2014

Signed:

Adjudicator: Christine Herring