

DETERMINATION

Case reference: VAR/595

Admission Authority: St Mary's Church of England High School

Date of decision: 4 October 2012

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by St Mary's Church of England High School in respect of admissions in 2012 and 2013.

I determine that the published admission numbers for entry in September 2012 and 2013 shall be zero.

The referral

1. In a form submitted to the Office of the Schools Adjudicator on 19 September 2012, the Governing Body of St Mary's Church of England High School referred a request for an in year variation to the admission arrangements of St Mary's Church of England High School (the School), a Church of England Voluntary Aided school. The variation request was for a reduction in the published admission number (the PAN) for entry in September of years 2012 and 2013 and for each of the years of entry 2008-2011. The School is to be discontinued from August 2016. There was no Year 7 intake in September 2012 so the School is requesting that the (the PAN) for entry in 2012 and 2013 be reduced to 0 and the PANs of the cohorts admitted in September of years 2008-2011 be reduced to 120 to minimise the instability of in year admissions as the School's closure is managed. The discontinuation of the School and the resulting variation request are supported by the London Borough of Barnet (the LA) and the London Diocesan Board for Schools (the Diocese).

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, guidance and the School Admissions Code (the Code). The documents I have considered in reaching my decision include:

- a. the Chair of Governors' letter of 29 June 2012 and a copy of the Request for Variation form submitted on 19 September 2012;
- b. the School's determined arrangements for 2012 and 2013 entry;
- c. a copy of the council's booklet for parents seeking admission to schools in the area in September 2013;
- d. a copy of an email dated 21 September 2012 from the Diocese; and
- e. a copy of the Cabinet Member's decision to the "*Closure of St Mary's High School and expansion of St Mary's and St John's primary school into an all-through school*" dated 20 July 2012 and other correspondence in support of the School's request from the LA.

Background and consideration of factors

5. The School is a secondary school on two sites in Hendon. It has PAN of 162 Year 7 pupils each year. St Mary's and St John's Church of England Primary School is a two form entry primary school taking 60 children into Reception each year.

6. According to the LA, the School has not been popular and is undersubscribed and reaching a point where there will not be enough students for the School to be viable. After the required statutory process, on 20 July 2012 the Cabinet member for Education, Children and Families of the LA agreed:

- a. not to admit a Year 7 intake in September 2012 and a Year 12 cohort in September 2015 and thus to close the School by August 2016; and,
- b. to expand St Mary's and St John's Primary School into an all-through school.

7. The closure notice was agreed in July 2012 and the School had by then, in compliance with the Code, determined its admission arrangements for 2012 and 2013 entries. The School believes that the closure is a "major change in circumstances", as required by paragraph 3.6 of the Code, which has resulted in the School seeking a variation.

8. In its variation request the School has requested a variation in the PANs of the cohorts of year of entry 2008-2013.

9. The Code, in paragraph 1.2, requires all admission authorities to set a PAN for each “relevant age group” which is the “age group at which pupils are or will normally be admitted to the school”. Hence the concept of a PAN applies only to the current and next year of entry, in other words 2012 and 2013 years of entry. Previous years of entry no longer have a PAN albeit this was required for the corresponding admission arrangements on entry. Furthermore, section 88E of the Act quoted in paragraph 2 above makes it clear the variation requests can only be made for determined arrangements “*which are to apply for a particular school year, but (b) at any time before the end of that year*”. Hence a variation request can only apply to the arrangements of 2012 and 2013 entry.

10. Therefore, although I understand the need of the School to restrict entry into existing cohorts so as to better manage the closure of the School, I judge that I cannot respond to the request to alter the PANs of the years which entered in 2008-2011 as I do not have jurisdiction to make a determination in respect of these cohorts.

11. I understand the need for the School to prevent in- year entry into the cohort of 2012 entry which at the moment contains no pupils and to prevent future entry in September 2013. I accept the School’s statement that the statutory process followed by the LA to discontinue the School would have informed parents of the discontinuation of the School and reassured them of the availability of alternative and appropriate provision and would have considered the impact of the proposals on other schools. For these reasons I approve this part of the variation request.

Conclusion

12. For the reasons given above, I approve the request to change the PAN of the arrangements for entry in 2012 and 2013 to zero but do not have jurisdiction to make any determination in respect of the request referring to earlier years.

Determination

13. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by St Mary’s Church of England High School in respect of admissions in 2012 and 2013.

14. I determine that the published admission numbers for entry in September 2012 and 2013 shall be zero.

Dated: 4 October 2012

Signed:

Schools Adjudicator: Dr Melvyn Kershaw