



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: VAR690

Admission Authority: Birmingham City Council for Thornton Primary School, Ward End, Birmingham.

Date of Decision: 11 August 2016

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Birmingham City Council for Thornton Primary School for September 2017.

I determine that for admissions in September 2017 the published admission number to Year R shall be zero.

The referral

1. Birmingham City Council, the local authority (LA) and admission authority has referred a variation to the Adjudicator about the admission arrangements for Thornton Primary School (the school) for September 2017. The school is a primary community school, for pupils aged 4 to 11. The variation requested is that the published admission number (PAN) for admission to Year R should be reduced from 30 to 0.

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”.

I am satisfied that the proposed variation is within my jurisdiction.

Procedure

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

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

- the LA's form of referral of 6 July 2016 and supporting documents;
- the determined arrangements for admission to the school in 2017 and the proposed variation to those arrangements;
- a copy of the LA's, composite prospectus for parents seeking admission to schools in the area in September 2016;
- a copy of the letter notifying the appropriate bodies about the proposed variation; and
- documentation from the school in support of the request to reduce the PAN.

Background and consideration of case

5. The school was previously a junior school and became an all through primary school in 2009 to enable the LA to provide additional places within the Hodge Hill constituency of Birmingham by the addition of an infant (Key Stage 1) phase to the school. The junior school had been a four form entry school with 120 pupils (4 classes) in each of Years 3, 4, 5, and 6 and became an all through primary school with 30 pupils (1 class) in each of Reception (Year R), Year 1 and Year 2 and 150 pupils (5 classes) in each of years 3, 4, 5 and 6. It is linked for admissions in Year 3 to a nearby infant school, Sladefield Infant School, which has a PAN of 120. The Year R and Year 1 classes are situated in an annex to the main buildings, separated from the rest of the school by a road.

6. The LA reports that the expansion addressed the need for places. However, the LA considers it has become unviable for the school to continue operating with thirty children in each year group in key stage one and 150 in each year group in key stage two. It identifies the following reasons:

- Management and Resourcing - the imbalance in the relative numbers in the different age groups has made the management and resourcing of the school very difficult and increasingly unviable.
- Standards and Attainment -the school was inspected in October 2015 and was found to be requiring improvement. The LA considers it would be more beneficial for resources to be focused on improving the attainment and standards in key stage two, which is where the school has the greater expertise and capacity in terms of resources;

- School Community Cohesion - the recent OFSTED inspection found that the location of the Year R and Year 1 class in an annex building across the road from the main building has caused these year groups to become isolated;
- School Buildings - The building solution that was provided has not proved to be the most efficient to run and manage. Some of the school buildings are increasingly becoming unfit for purpose and the current set up of the school does not allow for a natural progression of year groups through the school causing some classes to become isolated.

7. The LA intends that the school should revert to being a four form entry junior school and is planning to introduce statutory proposals in September 2016 for the school to return to the age range 7 to 11 from September 2017.

8. The LA considers these events a major change of circumstances requiring a variation to the arrangements for 2017, which were determined on 16 February 2016. This variation request is supported by the school's governing body. The LA has shown evidence that it notified the parties it is required to notify and received two responses both of which were in favour of the requested variation.

9. There will be no displacement of current pupils. All the existing infant classes will work their way through the school until they leave the school at the end of year six. The LA is currently working with Washwood Heath Multi Academy Trust to provide alternative key stage one provision for the area.

10. This unusual organisation of classes was set up to address an urgent need for places. It is reported to have many challenges and the LA is seeking alternative provision. I acknowledge that the organisation, management and resourcing for such an unusual configuration presents difficulties for the school. The LA, which is responsible for providing places for pupils, says it will work with another school to find sufficient places following this proposed change. The LA wishes to stop admitting Year R pupils to the school in order to commence these changes. I consider a reduction in the PAN to zero for Year R an appropriate step.

Summary

12. In 2009 the LA asked the school to admit 30 reception pupils per annum in addition to its Year 3 admissions of 120. This has proved challenging for the school; the LA intends to reverse its decision by bring forward proposals for the school to become a junior school again. To this end, it wishes to cease admitting reception children to the school as soon as possible. It is making additional provision for reception children elsewhere. Against this background, I approve this request for a variation.

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 the by Birmingham City Council for Thornton Primary School for September 2017.

I determine that for admissions in September 2017 the published admission number to Year R shall be shall be zero.

Dated: 11 August 2016

Signed:

School Adjudicator: Miss Jill Pullen