



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: VAR684

Admission Authority: Birmingham City Council for The International School, Birmingham

Date of decision: 21 July 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 The International School for September 2016.

I determine that for admissions in September 2016 the published admission number for The International School shall be 120.

The referral

1. Birmingham City Council, the local authority (LA) and admission authority for The International School (the school), has referred a variation to the Adjudicator concerning the admission arrangements for the school, a community school for pupils ages 11-16 years, for September 2016. The variation requested is to reduce the published admission number (PAN) of the school from 180 to 120. The school, which has had falling rolls for some time has been placed in special measures by Ofsted and the LA has expanded a special school, Brays Special School (Brays) into part of the school's unoccupied buildings, thus reducing the capacity of the school.

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:

“proposed variations fall within any description of variations prescribe 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 d 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 and the School Admissions Code (the Code).
5. The documents I have considered in reaching my decision include:
 - a. the local authority's form of referral of 8 June 2016 and supporting documents;
 - b. the determined arrangements for admissions in 2016 and the proposed variation to those arrangements;
 - c. a copy of the local authority's composite prospectus for parents seeking admission to schools in the area in September 2016;
 - d. documents relating to the expansion of Brays, downloaded from the internet;
 - e. a copy of the notice informing the appropriate bodies about the proposed variation;
 - f. information about the published admission numbers for 2016 and 2017 taken from the website of the local authority, and
 - g. correspondence and minutes of meetings from the school's Interim Executive Board (IEB).

Background and consideration of factors

6. The International School is a community secondary school located on Gressell Lane in Shard End in Birmingham. The site is large and, at one time, accommodated three secondary schools. The school was found to be requiring special measures following an inspection by Ofsted In November 2014. An IEB was put in place, replacing the governing body on 27 March 2015. The IEB continues to be responsible for the school at the time of completing this determination.
7. The school has a deficit budget and declining rolls. The school at present has a PAN of 180; data supplied by the LA shows the school is significantly under capacity as can be seen in the table below showing numbers on roll in October 2015.

Year group	7	8	9	10	11
Number on roll	86	128	149	148	145

8. While making arrangements for the improvement of the school following the Ofsted inspection, the LA consulted on its proposed admission arrangements for September 2016 from 19 December 2014 until 13 February 2015 and determined the arrangements for the school on 3 March 2015. This was in accordance with the statutory timetable; Regulation 17 of the School Admissions (Admissions Arrangements and Coordination of Admission Arrangements) (England) Regulations 2012 and paragraph 1.46 of the Code required an admission authority to determine arrangements for 2016 by 15 April 2015. The admission arrangements determined for 2017 have a PAN of 120 so the proposed variation would bring the 2016 PAN into line with that for next year.
9. A building on the school site, the Leycroft Building, became unoccupied as the rolls fell. In 2015 the building was identified as a possible temporary location to assist the LA with a shortage of special school places by utilizing it to accommodate an expansion of Brays. The school would also continue to exist on the same site of course. The LA issued proposals to consult on this as a permanent arrangement. The proposal to expand Brays into the Leycroft building was approved by Birmingham City Council on 19 April 2016. The Leycroft Building will as a result no longer be part of the school's site and the capacity of the school is consequently reduced.
10. The LA consider the placing of the school into special measures and the reduction of capacity because of the expansion of Brays to be a major change in circumstances requiring a variation. It has provided evidence that it notified the parties required by the Code and had no responses. The IEB support the request.
11. The LA reports it could not take these factors into account when determining the arrangements as the IEB was not formed and the proposal to expand Brays was not agreed until after the arrangements were determined.
12. The IEB and LA want to reduce the admission number to allow for the school to structure their curriculum delivery and staffing, including the leadership, to enable them to operate effectively as a four form of entry school, enabling the school to improve. Capacity at the school has been reduced and numbers have fallen. In addition, the LA has reported that the Leycroft building offered the best solution to the need for extra accommodation for Bray and, indeed, that it could find no other suitable alternative. The use of the Leycroft by Brays has now been made permanent by virtue of the statutory proposals approved in April this year.
13. I consider that the reduction in the PAN from 180 to 120 for September 2016 is an appropriate response to the situation described: the school is in special measures, has a deficit budget and falling rolls. A PAN of 120 has been set for September 2017. In addition part of the site has been given over to another school, reducing capacity. I find that the appropriate

procedures were followed and that the relevant parties were notified. I am satisfied that the proposed variation addresses the circumstances described.

Conclusion

14. The local authority set admission arrangements for the school, in advance of taking decisions about its required improvement and further use of the site. I consider the combined factors of the inspection finding of special measures and the reduction in space available in the school because of its part use by Brays Special School is a major change in circumstance requiring a reduction in the PAN. I consider it necessary to reduce the PAN to 120 and therefore approve the requested variation.

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 Birmingham City Council for The International School for September 2016.

16. I determine that for admissions in September 2016 the published admission number for The International School shall be 120.

Dated: 21 July 2016

Signed:

Schools Adjudicator: Miss Jill Pullen