



DETERMINATION

Case reference: VAR 711

Admission Authority: Northumberland County Council for Ovingham Middle School

Date of decision: 4 May 2017

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the request for the variation to the admission arrangements determined by Northumberland County Council for Ovingham Middle School for September 2017.

The referral

1. Northumberland County Council, which is the local authority and admission authority for Ovingham Middle School (the school), has referred a variation to the Adjudicator concerning the admission arrangements for the school, a community school for pupils aged 9 –13 years, for September 2017. The variation requested is to reduce the published admission number (PAN) of the school from 96 to 94 as a pupil due to be admitted in to year 5 in September 2017 requires additional space for support, access and safe evacuation in an emergency.

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]e authority must [except in a case where the authority’s proposed variations fall within any description of variation prescribed] (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:
 - a. the local authority's form of referral of 18 April 2017, and supporting documents;
 - b. the determined arrangements for September 2017, determined 11 April 2017, 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 2017;
 - d. correspondence from the school; and
 - e. a copy of the notice informing the appropriate bodies about the proposed variation.

Background and consideration of factors

5. The school is a middle school deemed secondary, and caters for pupils from Years 5 to 8. It is significantly smaller than the average-sized secondary school. It is part of the Prudhoe partnership of schools in the south of Northumberland. The school has a PAN of 96.

6. A request was made to vary the admission arrangements for the school 20 February 2017. The local authority was unable to provide evidence that the admission arrangements for 2017 had been determined as required by the Code. In the absence of determined arrangements, no request for variation could be considered as the adjudicator has jurisdiction only in relation to determined arrangements. On 11 April 2017, the local authority determined the admission arrangements and a request for variation of those arrangements was submitted 18 April 2017.

7. The request is to reduce the PAN by two to facilitate the admission of a child with special educational needs. The school reports that additional space is needed for access for the pupil, for his specialised equipment and for health and safety reasons, for example to exit in a fire. The school reports that the school is organized into classes of 32 and has very limited space, giving as an example that in the current Year 5 two pupils do not have their own work space but must work at the teacher's desk.

8. The day when places at secondary schools for September 2017 are allocated to applicants, National Offer Day, was 1 March 2017. The local authority has told me that it received 98 applications for places at the school, for all of whom the school was the first preference. The local authority reports that it has offered 94 places "*whilst awaiting the outcome of the Adjudicator's decision*".

9. I find the authority's approach concerning. Although the arrangements were not determined they had been published showing that 96 places were available. Parents will have applied for places on that basis. On National Offer Day the PAN of the school was 96, parents are entitled to have 96 places allocated and the local authority must do so. The local authority in its composite prospectus, explains that places are offered sequentially in line with the oversubscription criteria. The Code is clear in paragraph 15 (d) "*When oversubscribed, a school's admission authority **must** rank applications in order against its published oversubscription criteria..*". The local authority

must offer places to applicants in line with the arrangements in place on 1 March 2017. The Act is clear at section 86 that parental preferences must be complied with except in certain circumstances. In particular, section 86(5) of the Act is clear that *“no prejudice [to the provision of efficient education or the efficient use of resources] shall be taken to arise from the admission to a maintained school in a school year of a number of a pupils in a relevant age group which does not exceed the number determined under section 88C as the number of pupils in that age group that it is intended to admit to the school in that year.”*

10. I acknowledge the difficulties identified by the school as they wish to meet a pupil's needs in circumstances which they describe. However, this application has arrived after the date by which those places should have been allocated. In these circumstances, I cannot agree a reduction in the PAN as 96 places must be offered to those who applied. I do not agree to the request to vary the admission arrangements.

Conclusion

11. The school is facing a problem of access and accommodation for a pupil with special educational needs; however, the PAN on National Offer day was 96 and there were 98 first preference applicants; I do not agree that the PAN may be reduced.

Determination

12. In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the variation to the admission arrangements determined by Northumberland County Council for Ovingham Middle School for September 2017.

Dated: 4 May 2017

Signed:

Schools Adjudicator: Miss Jill Pullen