



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: VAR702

**Admission Authority: Buckinghamshire County Council for
Stokenchurch Primary School, High Wycombe**

Date of decision: 27 March 2017

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Buckinghamshire County Council for Stokenchurch Primary School in High Wycombe.

I determine that for admissions in September 2017 the admission number for admission into Year 3 shall be zero.

I have also considered the admission arrangements for September 2017 and 2018 for community schools in Buckinghamshire in accordance with section 88I (5) of the School Standards and Framework Act 1998 and find that there are matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K (2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements as soon as possible.

The referral

1. Buckinghamshire County Council, (the local authority) has referred a variation to the adjudicator about the admission arrangements (the

arrangements) for Stokenchurch Primary School (the school), High Wycombe, Buckinghamshire, a community primary school for pupils aged 3 to 11 years, for September 2017.

2. The request is that the admission number for admissions to Year 3 (Y3) in September 2017 should be reduced to zero.

Jurisdiction

3. 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”.

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

5. As the arrangements for community schools in Buckinghamshire have been brought to my attention I have decided to use the power conferred under section 88I (5) of the Act to consider whether the arrangements conform with the requirements relating to admission arrangements.

Procedure

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

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

- a) the local authority’s letter of referral of 14 February 2017;
- b) the request for an in-year variation form dated 14 February 2017;
- c) the determined arrangements for the local authority’s community and voluntary controlled primary schools for admission in September 2017;
- d) minutes of the school’s governing body meeting at which the request for a variation was agreed; and
- e) a copy of a letter sent to appropriate bodies from the local authority and a screen shot of the webpage displaying the variation request.

Background and consideration of factors

8. The school is a community primary school for 3 to 11 year olds. The local authority is the admission authority and therefore determines the arrangements for the school. The arrangements for admission in September 2017 were determined at a meeting of Buckinghamshire County Council in April 2016 and published on the county council's website. The determined arrangements for the school show a Published Admission Number (PAN) of 60 for reception year (Y6) and a further 30 for year three (Y3).

9. The published arrangements for admission in September 2017 are as follows;

Rule 1 – *Looked After children.*

Rule 2 – *Children who have exceptional medical or social needs, which can only be met at that school, supported by written evidence from an appropriate professional person.*

Rule 3 – *Children living within the catchment area of the school.*

Rule 4 – *For the main point of entry: Siblings of children who are attending the school or a 'linked primary' school in Year R to Year 5 at the time the allocations are made (March 2017), and are expected to be on the school roll or linked school roll at the time of the proposed admission, or who have already been offered a place to start in the current academic year at the school or a 'linked primary' school. For immediate in year admission after the normal point of entry: Siblings of children who are in Year R to Year 6 at the time of admission to the school.*

Rule 5 – *Children attending a primary school linked to the school named in the list of 'linked primary' schools at the time allocations are made (March 2017). This rule does not apply to those applying for a place in Reception.*

Rule 6 – *Once the above rules have been applied, then any further places will be offered in distance order, using the distance between the family's Normal Home Address and the school's nearest entrance gate, offering the closest first. We use straight line distance.*

Where a school can take some, but not all, of the children who qualify under one of these rules, we will give priority to children by taking account of the next rule (or rules) in the numbered list to decide who has priority for places.

For example, places are offered to catchment siblings before children living in the catchment area without siblings. In each case, distance is used to prioritise which children should be offered places.

If it is still not possible to decide between two applicants who are equidistant then an independently scrutinised random allocation will be made to allocate the final place.

10. The variation request states that the determined admission arrangements for the school allows, at Rule 5(above) for admissions at Y3

from three named infant schools. These are Ibstone Infant School, Mary Towerton School and Radnage Infant School. Radnage Infant School became a primary school for children aged four to 11 in 2013. Both Ibstone Infant School and Mary Towerton School have been through the statutory consultation process and both will become primary schools for children aged four to 11 in September 2017. The local authority I states that as all the children in these schools will progress from Year 2 (Y2) to Y3 in their own school this will remove the need for any admissions into Y3 in September 2017 at the school.

11. The local authority has conducted consultation on changes to the school's admission arrangements for September 2018. The consultation document suggests that there is no published admission number for Y3 at the school and that the catchment area is reduced so that it does not cover those areas which serve the other three infant schools. No comments were received during this consultation and therefore the arrangements for September 2018 were determined as outlined in the consultation.

12. All three 'linked' schools which were previously infant schools will be primary schools catering for Reception (Yr) to Year 6 (Y6) in September of this year and consequently the school and the local authority have requested this variation to the admission arrangements to remove the admission of any children into Y3. For two of the infant schools the final decision to become primary schools in September 2017 was taken after the admission arrangements for 2017 admissions were determined.

13. In correspondence with the local authority, I requested information on the details of children who have previously been admitted to the school at the beginning of Y3. The local authority reported that all those who have been admitted in previous years had attended one of the three named 'linked' infant schools.

14. The local authority and the school have agreed that the school should become a two-form entry primary school from September 2018 with a PAN for YR of 60. The school and the local authority consider that this reduction in pupil numbers will provide the additional accommodation required to offset the current deficit in resource space. The variation request is to bring forward the reduction in PAN to zero for admission into Y3 from July 2017. This proposal was discussed at a meeting of the governing body in July 2016 and agreed. Following the announcement that the infant schools would become combined primary schools from September 2017 the full governing body met on 25 January 2017 and agreed the proposals and the variation request.

15. The local authority has consulted in line with the Code for a change in the arrangements for admission in September 2018. The consultation covers the reduction in catchment area and the removal of an admission number into Y3. This consultation did not constitute the notification of the required parties for a variation request for the arrangements in September 2017 which only requests a reduction in PAN at Y3 to zero.

16. Following correspondence with me, the local authority has now informed all admission authorities and governing bodies in the local area as

required to do by paragraph 3.6 and 3.7 of the Code which state that; *“Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified. Where the local authority is the admission authority for a community or voluntary controlled school, it **must** consult the governing body of the school before make any reference. A variation to increase a school’s PAN is not required to be referred to the Schools Adjudicator”* and *“Admission authorities **must** notify the appropriate bodies of all variations and must display a copy of the full varied admission arrangements on their website until they are replaced by different admission arrangements.”* I have also received a screen shot from the local authority website which shows the variation request. I am content that the local authority has complied with the Code in all respects.

17. Following the notification of the variation request, an objection was received from a parent of a child at one of the two infant schools. The objection is in two parts; firstly, the variation notification says it is *“clear that a preference for current parents and prospective parents would be for their children to stay at schools until they transfer to secondary education.”* The parent says that she has not been asked to state a preference. She cites the documentation which relates to the infant school’s proposal to become a primary school which states *“there is also strong support for primary conversion among our current parental body”*. The parent suggests that *“strong support”* is not the same as stating a preference. Secondly, the parent queries the school’s statement that the projected application number for September 2017 admission at Y3 is zero. She goes on to say that as the decision for the infant school to become a primary school was taken after the beginning of the application process for admissions in September, she had included the school as a first preference.

18. The local authority responds that it is not unreasonable to equate clear parental support with a preference for children to attend the school. The admissions manager for the local authority goes on to say that the parent is correct that the application number for admission in September 2017 is inaccurate. As the final decision to change the infant schools to primary schools came after the start of the application process, there were families who had stated a preference for the school. Initially there were 10 preferences from the two infant schools. Following subsequent correspondence, this was reduced to eight. Two pupils have moved to the school during Y2 as in-year admissions which leaves six pupils on the admission list. The local authority has contacted all parents and provided an extended deadline for preferences. They have also made it clear that if parents wish their child to attend the school then a transfer via the in-year admissions would be the appropriate way forward.

19. The Chair of Governors of the school is adamant that a very small intake at Y3 is unviable and financially unsustainable and he too suggests that

parents can apply for admission through the in-year transfer process.

20. It is clear from the consultation that there was strong parental support for the change of the infant schools to primary schools in September 2017. I think that it is reasonable for the local authority and the school to use this view as evidence that the majority of parents wish their children to remain in the newly created primary schools.

21. There are sufficient places in the newly created primary schools to accommodate all the Y2 pupils going through into Y3. Pupils will progress from Y2 to Y3 without moving schools. This means that parents will not need to make preferences for a new school for their children. The timing of these changes has clearly left at least one parent unhappy that her preferences for Y3 places may be withdrawn from her. It is not viable for a very small number to transfer to the school as an intake in September 2017 however, I am pleased that the school and the local authority will facilitate in-year transfers if parents wish their child to transfer.

22. I am of the view that following the change in age range of the three infant schools with effect from September 2017 this variation is a sensible amendment to the arrangements and I agree the variation.

23. I have considered the arrangements for community schools in Buckinghamshire. Two aspects of the arrangements do not conform with the Code;

- 1) Paragraph 1.7 of the Code says that *“the highest priority **must** be given to looked after children and all previously looked after children”*. Rule 1 of the oversubscription criteria must refer to previously looked after children in addition to looked after children. It is not sufficient to have this explained in the definitions section.
- 2) Paragraph 2.16 c of the Code says that *“where the parents wish, children may attend part-time until later in the school year but not beyond the point at which they reach compulsory school age”*. This is not explained in the arrangements published on the county’s website and requires amendment.

24. Paragraph 3.6 of the Code allows for variations to the arrangements on a number of grounds including *“where revision is necessary to give effect to a mandatory requirement of the Code”* and therefore these amendments may be made to the arrangements immediately and without consultation.

Conclusion

25. I agree with the local authority and the school that the statutory change to the three infant schools to become combined primary schools from September 2017 constitutes a major change in circumstances. I note that the admission arrangements for September 2018 have already been determined

and that they have a reduced catchment area as well as no published admission number for admission into Y3. I conclude that the variation which the council has requested is sensible and will bring the school in line with the changes to the other schools in September 2017. I therefore agree that the PAN for Y3 at the school should be zero for admissions in September 2017.

Determination

26. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Buckinghamshire County Council for Stokenchurch Primary School, High Wycombe.
27. I determine that for admissions in September 2017 the admission number for admission into Year 3 shall be zero.
28. I have also considered the admission arrangements for September 2017 and 2018 for community schools in Buckinghamshire in accordance with section 88I (5) of the School Standards and Framework Act 1998 and find that there are matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.
29. By virtue of section 88K (2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements as soon as possible.

Dated: 27 March 2017

Signed:

Schools Adjudicator: Mrs Ann Talboys