



## DETERMINATION

**Case reference:** VAR721

**Admission Authority:** Staffordshire County Council for Sir John Offley Church of England Primary School

**Date of decision:** 2 August 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 Staffordshire County Council for Sir John Offley Church of England Primary School for September 2018.**

**The variation is to decrease the published admission number from 30 to 25. I determine that for admissions in September 2018 the published admission number shall be 25.**

### **The referral**

1. Staffordshire County Council, the local authority and admission authority for Sir John Offley Church of England Primary School (the school), has referred a variation to the adjudicator concerning the admission arrangements for the school, a voluntary controlled primary school for pupils aged 4-11 years, for September 2018. The variation that has been requested is to decrease the published admission number (PAN) from 30 to 25 for the reception year (YR) in September 2018. This change is sought as circumstances have changed since the admission arrangements were determined, as the school will vacate a building, owned by a charitable trust, and teach in the remaining part of the school which does not have the capacity for a PAN of 30.

### **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. When I considered the arrangements as a whole I noted some matters which did not, or may not, conform with requirements. I have used my power under section 88(5) of the Act to consider these matters.

### **Procedure**

4. In considering this matter I have had regard to all relevant legislation, guidance and the School Admissions Code (the Code).
5. The documents I have considered in reaching my decision include:
  - a. the request for an in-year variation for admissions to YR in September 2018 by the local authority, and associated documents;
  - b. the determined arrangements for the school for admission in September 2018;
  - c. a copy of the minutes of the full governing body of the school on 24 May 2017 at which the issue of the building owned by the Madeley School Trust was discussed; and
  - d. the local authority's response to my request for additional information including changes to the admission arrangements and a change to the school's website about admission arrangements.

### **Background and consideration of factors**

6. The school is a voluntary controlled school and the local authority is the admission authority. Following consultation, the local authority determined the admission arrangements for its community and voluntary controlled schools on 16 February 2017 for admission in September 2018. At that time the school's PAN was 30. The arrangements for admissions including the PAN of 30 were subsequently published on the local authority's website.
7. The school's current accommodation includes an old listed building and diocese and council owned buildings. The school decided not to continue using the old listed building owned by the Madeley School Trust and, following a meeting between the local authority and the Madeley School Trust, the local authority confirmed that it fully supported the school's decision. The school was concerned about the cost and condition of the Madeley School Trust building which could not be rectified from the school budget. In particular, the governors noted the lack of efficient heating, windows that would not open and the amount of glass requiring repair in the windows.
8. As a consequence, the decision has been taken to make changes to the main building of the school to partition a room to create an extra classroom to have Nursery and YR children in the same area. However, because of the increased numbers, both classrooms will be needed and a

pre-school called Puddleducks will need to find alternative premises to make room for the classes relocated from the listed building.

9. The Code sets out in paragraph 3.6:

*“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.”*

10. Paragraph 3.7 sets out:

*“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.”*

11. The appropriate bodies are set out in footnote 61 of paragraph 3.6:

*“In addition to the bodies listed at paragraph 1.44 (c), (d) and (f) and so far as not covered by them, all governing bodies for community and voluntary controlled schools in the relevant area.”*

12. Paragraph 1.44 sets out:

*“c) all other admission authorities within the relevant area (except that primary schools need not consult secondary schools);*

*d) whichever of the governing body and the local authority who are not the admission authority; and*

*f) in the case of schools designated with a religious character, the body or person representing the religion or religious denomination.”*

13. The local authority notified schools, the diocese and neighbouring local authorities about the application for a variation to the PAN of Sir John Offley CE (VC) Primary School on 18 July.

14. The decision to vacate the building owned by the Madeley School Trust because of its condition and relocate children into existing school buildings reduces the capacity of the school, and this constitutes a major change in circumstances and the variation addresses the problems arising from this change in circumstances.

15. I have concluded that the variation which the school has requested is necessary to support the effective running of the school with its current accommodation. It is necessary to reduce the PAN in order to maintain an appropriate number of children in the school.

## **Other Matters**

16. The local authority’s admission arrangements for community and voluntary controlled schools sets out the requirement, under paragraph 1.7 of the Code, to give highest priority in oversubscription criteria to looked after children and all previously looked after children.

17. The local authority's definition of this group in its admission arrangements was not sufficiently detailed to meet the requirements of the relevant legislation. The local authority has now updated those definitions to provide more detail and the update is on the local authority's website.
18. I raised a concern with the local authority that the school had published the admission arrangements for the school on its own website but the oversubscription criteria were different from those of the local authority, the admission authority for the school. The incorrect arrangements have now been removed and a link posted to the local authority's website.
19. The local authority also needs to amend the reference to waiting lists in the arrangements, which currently sets out that waiting lists will be kept until the end of the autumn term of admission. Paragraph 2.14 of the Code states that "*each admission authority **must** maintain a clear, fair and objective waiting list until at least **31 December** of each school year of admission*".

### **Determination**

20. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Staffordshire County Council for Sir John Offley Church of England Primary School for September 2018.
21. The variation is to decrease the published admission number from 30 to 25. I determine that for admissions in September 2018 the published admission number shall be 25.

Dated: 2 August 2017

Signed:

Schools Adjudicator: Mrs Lorraine Chapman