



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case reference:** VAR761

**Admission Authority:** The Governing Board for Glastonbury Thorn School, Milton Keynes

**Date of decision:** 6 July 2018

### **Determination**

**In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the governing board for Glastonbury Thorn School for September 2019.**

**I determine that the published admission number for 2019 shall be 60.**

**I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements for 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 within two months of the date of the determination.**

### **The referral**

- 1. The board of governors of Glastonbury Thorn School (the school) has referred a proposal for a variation to the admission arrangements for the school, for September 2019 to the Office of the Schools Adjudicator. The school is a foundation school for children aged 4 to 7 in Milton Keynes.**
- 2. The proposed variation is to reduce the published admission number (PAN) from 90 to 60.**

### **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. I am also satisfied that it is within my jurisdiction to consider the determined arrangements in accordance with my power under section 88I of the Act as they have come to my attention and determine whether or not they conform with the requirements relating to admissions and if not in what ways they do not so conform.

### **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:
  - the referral from the board of governors dated 6 June 2018 and supporting documents;
  - the determined arrangements for 2019 and the proposed variation to those arrangements;
  - a copy of the letter notifying the appropriate bodies about the proposed variation; and
  - comments received on the proposed variation from the bodies notified of the proposal by the school.

### **Other matters**

8. When I considered the arrangements as a whole I noted that the first oversubscription criterion referred to residence orders. The Children and Families Act 2014 replaced residence orders with child arrangements orders. As this criterion does not reflect current legislation it is not clear and so may not comply with paragraph 14 of the Code which requires that admission arrangements are clear.
9. The third oversubscription criterion reads "*Children who live in the catchment area of the school and there is no sibling.*" I considered this may not be clear. In addition to the Code requiring the arrangements as a whole to be clear, paragraph 1.8 requires oversubscription criteria to be clear.

## Consideration of the case

10. In the application for a variation to its admission arrangements the school said that *"It has become apparent since the determination of the PAN of 90 that it is greater than the anticipated demand for places in this area."* The school said that there were around 46 children living in its catchment area for admission in 2019 and stated *"We will not be able to set a budget if our PAN remains at 90 and we have less than 60 children. We will be overstaffed if we continue to have a PAN for 90 as we could then be allocated for example 61 children which would then need to be in three classes (due to the infant class size rule and this is unsustainable) [sic]."*
11. I do not find this argument convincing because infant class size legislation requires that infant classes (those where the majority of children will reach the age of 5, 6 or 7 during the school year) must not contain more than 30 pupils with a single school teacher. It does not preclude combining year groups. The school told me that 68 children have been offered places for September 2018 and indicated that these children were taught in three classes. It would, therefore, seem to me to be possible for up to 82 children to be admitted to the reception year in 2019 before an additional class needed to be established.
12. In many schools with admission numbers of, say, 45 combining age groups is a necessary and common practice with no adverse outcome for children's learning. I do understand that if the practice is not common in an area it can be perceived by parents as less than desirable and will require the curriculum to be planned across more than one year and is therefore something which schools may wish to avoid.
13. I am aware that if I approve this variation, there is no obligation on the admission authority to increase the PAN in subsequent years and this decision will effectively remove 90 school places from the area and could lead to the local authority being required to find capital funding to replace them if needed.
14. The school told me that there are over 1000 vacancies in reception classes across Milton Keynes for September 2018. It also provided me with data showing that in the south west of Milton Keynes where the school is situated in the years 2019, 2020 and 2021 there is anticipated to be 303, 305 and 214 surplus places respectively. The anticipated demand at the school itself is expected to range from 46 to 58 places in those years.
15. The local authority confirmed the above figures were correct and said it did not have any objection to the proposed reduction in PAN. The school has notified the other appropriate bodies and no adverse comments have been received.
16. I have also taken into account the net capacity assessment of the school. Although the school has nine classrooms all but one of these

are smaller than usual. The calculations reflect the size of the classrooms and lead to a net capacity of 174 places which is more in keeping with an infant school with a PAN of 60 (as three year groups each of 60 which sums to a total of 180) than one of 90 which would require 270 places.

17. I do not consider the reduction in PAN to be necessary to address the budgetary issues which the school is facing. However, I am satisfied that reducing the PAN will have no adverse impact on the local authority's ability to meet its duty to provide school places and that it will not reduce the proportion of parental preferences met in the area. I therefore approve the proposed reduction in PAN from 90 to 60.

### **Other matters**

18. When looking at the admission arrangements for the school I noted two ways in which they appeared not to comply with the requirements of the Code.
19. Paragraph 14 of the Codes says "*In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective.*" Furthermore paragraph 1.8 of the Code says "*Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation.*"
20. The first oversubscription criterion refers to residence orders. The Children and Families Act 2014 replaced residence orders with child arrangements orders. As this criterion does not reflect current legislation it is not clear.
21. The third oversubscription criterion reads "*Children who live in the catchment area of the school and there is no sibling.*" I presume this means children who live in the catchment area and do not have a sibling attending the school, but this is not what the criterion says. I therefore consider this criterion unclear.
22. When I raised these matters with the school it responded "*I agree that the adjudicator is correct in his findings and we, as a school, will be making the amendments.*" The Code requires the school to do so within two months of the date of this determination.

### **Determination**

23. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the governing board for Glastonbury Thorn School for September 2019.
24. I determine that the published admission number for 2019 shall be 60.

25. I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements for 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 within two months of the date of the determination.

Dated: 6 July 2018

Signed:

Schools Adjudicator: Phil Whiffing