



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: VAR771

Admission Authority: The Governing Board of Warkworth Church of England Aided Primary School, Morpeth, Northumberland

Date of decision: 26 September 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 Warkworth Church of England Aided Primary School, Morpeth, Northumberland, for September 2019.

I determine that the Published Admission Number for entry to the school in September 2019 will be reduced from 21 to 15.

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 determination unless an alternative timescale is specified by the adjudicator. In this case I specify a date of 31 October 2018.

The referral

- 1. The board of governors of Warkworth Church of England Aided Primary 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 voluntary aided school for children aged 2 to 11 in Warkworth, Morpeth, Northumberland. The local authority which maintains the school is Northumberland County Council.**
- 2. The proposed variation is to reduce the Published Admission Number (PAN) from 21 to 15 for entry to the school in September 2019.**

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 form from the school dated 9 July 2018, supporting documents and subsequent correspondence;
 - the determined arrangements for 2019 as originally determined and a varied set of determined arrangements;
 - a copy of the local authority’s booklet for parents seeking admission to schools in the area in September 2018;
 - a copy of the letter notifying the appropriate bodies about the proposed variation; and
 - comments received on the proposed variation from the local authority and the Diocese of Newcastle which is the religious authority for the school.

Other matters

8. In reviewing the arrangements, I noted that the following elements of the arrangements appeared not to conform with the requirements relating to admissions:

- a) the publication of the arrangements in line with paragraph 1.47 of the Code
- b) the definition and position of looked after and previously looked after children in line with paragraph 1.7 of the Code
- c) the absence of a clear map to identify the catchment area of the school in line with paragraph 14 of the Code
- d) the definition of regular and frequent worship in line with paragraph 1.37 of the Code
- e) the definition of 'another Christian Church' in line with paragraphs 1.37 and 1.38 of the Code
- f) the absence of an oversubscription criterion which covers other children in line with paragraphs 14 and 1.8 of the Code.
- g) the absence of a final tie breaker in line with paragraph 1.8 of the Code
- h) the reference to dates in the section on multiple births in line with paragraph 14 of the Code
- i) the absence of a time frame in the waiting list section of the arrangements in line with paragraph 2.14 of the Code
- j) the absence of reference to part time or deferred entry to the school in line with paragraph 2.16 of the Code.

The proposed variation

9. The school is a small village school in Warkworth, Morpeth, Northumberland which caters for children from 2 to 11 years old. It is a Church of England voluntary aided school in the diocese of Newcastle. Currently there are 98 pupils on roll. The PAN for admission into reception (YR) is 21. The school is not oversubscribed and has admitted all those children who have applied in each of the last three years.
10. The oversubscription criteria published at the time of the variation can be summarised as follows;
 - 1) Children with medical, or other special circumstances
 - 2) Siblings
 - 3) Children of parents worshipping at the Parish Church of St Lawrence
 - 4) Catchment
 - 5) Children of parents worshipping in another Christian Church

11. Over the past four years the school has admitted well below the PAN (ranging from 9 to 14) and the forecast for the next three years indicates similar admission numbers. In each of the last three years all applications from families within the catchment area have been successful and a number of out of catchment children have also been admitted. The school wishes to teach all Y1 and Y2 pupils in a single class and, due to infant class size restrictions, the maximum number of children who could be taught in this group with a single qualified teacher is 30. The governing board has therefore requested a variation to the admission number for admission in 2019 from 21 to 15. This would mean that if the school admitted to PAN, the school can be sure that two year groups taught together in one class would not exceed the maximum number of children allowed.

Consideration of the case

12. The governing board determined the arrangements for admission in September 2019 at a meeting on 15 June 2017. At the spring term meeting of the board on 22 March 2018 they discussed the desirability of reducing the PAN to 15 so that a mixed age infant class could be accommodated. Separate classes for the small number of pupils was not considered to be financially viable and projected numbers from the local authority indicated that admission numbers would be well under PAN and most likely under 15 in the next three years. At a meeting on the 24 May 2018 the governing board agreed to request a variation and subsequently notified the appropriate bodies set out in the Code. No negative responses were received from these bodies and the board submitted the variation request in July 2018.
13. The school is a primary school catering for 2 to 11 year olds and children from the school traditionally transfer to Duchess High School in Alnwick which is a secondary school with admission in Y7. The other local schools are organised on a two tier system with first schools catering for 4 to 9 year olds and traditionally, the children from these schools transfer to James Calvert Spence College in Amble which caters for 9 to 18 year olds. The governing board believe that transfer to the Duchess High School from Y6 provides continuity of education for the children of the school.
14. Future housing developments in Amble will necessitate more YR places at local schools but this will not have an impact on the school. There are significant surplus places in Amble schools which will be able to accommodate children from the new housing development. No housing development is planned for the area near to the school.
15. The local authority has commented that it is supportive of the variation as it would maintain the school's financial stability and educational standards. It further mentions that the reduction would remove some excess surplus places in YR in the area.
16. The Diocese of Newcastle responded to the variation to say that it had no objection to the variation.

17. I am satisfied that the requested reduction in PAN would not reduce the choice of school for local families as all applications have been successful in the last three years from children living within the catchment area and from further afield. Projected numbers of admissions for the next three years indicate a similar picture.
18. I understand that the school wishes to be able to teach Y1 and Y2 together in one class without the concern that additional pupils may be admitted such that the class size is over 30 and therefore not permitted. The establishment of one Y1/Y2 class would be financially sensible for the school's budget planning and would provide continuity of education for the children.
19. I therefore approve the variation request and the PAN for admission into YR in 2019 will be 15.

Other matters

20. In reviewing the arrangements, I noted that the following elements of the arrangements were contrary to the Code and the law;
- a) The publication of the arrangements in line with paragraph 1.47 of the Code which states that *“Once admission authorities have determined their admission arrangements, they **must** notify the appropriate bodies and **must** publish a copy of the determined arrangements on their website displaying them for the whole offer year (the school year in which offers for places are made).”* At the time of the variation the school had not published the arrangements for admission in 2019 on the school's website. This has now been rectified with 2019 arrangements appearing on the website, however there remains an inaccuracy; under the heading Reception, Key Stage 1 and 2 the year of admission is incorrectly stated as 2018/19.
 - b) The definition and position of looked after and previously looked after children in the oversubscription criteria in line with paragraph 1.7 of the Code. The arrangements state that *“We give priority to Looked After Children (see notes) and those with a Statement of Special educational needs or an EHCP (Education Health Care Plan) which names the school.”* The arrangements then continue to list a number of oversubscription criteria, the first of which is children with medical, social or special circumstances. There are a number of ways in which this means the arrangement fail to conform with the requirements relating to admissions. First, the Code requires schools to admit children who have a statement of special educational need or an EHCP which names the school. This is not an oversubscription criterion at all and should not be referred to in terms of “giving priority”. Second, the Code requires that the highest priority in the oversubscription criteria must by virtue of paragraph 1.7 be given to looked after and previously looked after children. Although previously looked

after children are mentioned in the notes they should also appear alongside looked after children as the first priority in the oversubscription criteria. Most importantly, the list of oversubscription criteria needs to refer to this group of children and currently it does not. This means that the arrangements are also unclear in breach of paragraph 14 of the Code.

- c) The absence of a clear map to identify the catchment area of the school in line with paragraph 14 of the Code which states that *“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. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated”*. Oversubscription criterion four states *“Children whose normal home address is in the Parish of Warkworth and Acklington”*. In the notes section it states that *“a map showing the Parish boundaries can be inspected at the school office”*. As the map of the boundaries is an integral and important part of the arrangements it is required to be included in the admission arrangements and published on the school website so that parents can understand easily how places are allocated.
- d) The definition of regular and frequent worship in line with paragraphs 1.37 of the Code which states that *“Admission authorities **must** ensure that parents can easily understand how any faith based criteria will be reasonably satisfied.”* Since the variation request, the school has changed the wording of this criteria from *“worshipping regularly and frequently”* to *“worshipping”*. No definition of what is meant by worshipping appears in the arrangements and therefore it is not clear how often or for how long the family are expected to have been worshipping at the church.

In the notes section of the arrangements there is a paragraph which reads *“If parents are seeking admission under the criterion of living in the community or worshipping regularly and frequently at a church they will be asked to provide evidence that they worship e.g. a letter from the incumbent.”* The reference to living in the community in this section is unclear and it is difficult to understand how this is related to the church or to the incumbent. A letter from the incumbent is also not clear and parents reading the arrangements would not be able to understand how these criteria can be fulfilled.

- e) The definition of ‘another Christian Church’ in line with paragraphs 1.37 and 1.38 of the Code. This criterion in the arrangements as published at the time of the variation request read *“Children of parents worshipping regularly and frequently in another Christian Church who wish their child to attend this school because of its Christian foundation”*. An amended

version reads *“Children of parents worshipping in another Christian Church (other churches of the Christian tradition within the catchment area e.g. URC, RC and Methodist) who wish their child to attend this school because of its Christian foundation.”* This is now much clearer although the non-compliant issues referred to in paragraph d above remain.

- f) The absence of an oversubscription criterion which covers other children in line with paragraphs 14 and 1.8 of the Code. In the original arrangements there was no criterion for ‘other children’ who did not fall into any of the oversubscription criteria. In the amended version there is now a criterion for *“other children”*.
- g) The absence of a final tie breaker in line with paragraph 1.8 of the Code which states that *“Admission arrangements **must** include an effective, clear and fair tie-breaker to decide between two applications which cannot otherwise be separated”*. The arrangements currently do not include such a tie breaker and this requires amendment.
- h) The reference to dates in the section on multiple births in line with paragraph 14 of the Code. In the original arrangements the reference to the admission of multiple births refers to 2017-8 school year. In the amended version this has been accurately amended.
- i) The absence of a time frame in the waiting list section of the arrangements in line with paragraph 2.14 of the Code which 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”*. Currently there is no reference to a time frame in the arrangements for the maintenance of waiting lists.
- j) The absence of reference to part time or deferred entry to the school in line with paragraph 2.16 of the Code. This section refers to the admission of children below compulsory school age including part-time admission and deferred entry. In the original arrangements there was no mention of this section. The amended arrangements, now published on the school website has a clear section on this.

Summary

21. In order to maintain educational standards and financial viability the school wishes to teach Y1 and Y2 children in one class. In order to do this the governing board must be sure that the numbers will not exceed the required maximum of 30. Previous and projected admission numbers are well below the current PAN of 21 and admission numbers have been below the new PAN of 15 for the last three years. I therefore agree the variation request for the PAN in September 2019 to be 15.

22. Looking at the arrangements as a whole there are a number of issues which require amendment and clarification. The school has made some amendments since the variation request and they are to be commended for this but there remain other issues which require their attention. Paragraph 3.6 of the Code states that admission authorities can revise their arrangements to give effect to a mandatory requirement of the Code, admission law or a determination of the Adjudicator. The arrangements require amendment before the process for the allocation of places begins for admission in September 2019 and therefore I have set a date of the end of October for the revisions.

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 Warkworth Church of England Aided Primary School, Northumberland for September 2019.

24. I determine that the Published Admission Number for entry to the school in September 2019 will be reduced from 21 to 15.

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.

26. 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 determination unless an alternative timescale is specified by the adjudicator. In this case I specify a deadline of 31 October 2018.

Dated: 26 September 2018

Signed:

Schools Adjudicator: Ann Talboys