



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case reference:** VAR796

**Admission Authority:** The governing board for Bournville Voluntary Aided Junior School, Birmingham

**Date of decision:** 12 December 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 Bournville Junior School for September 2019.**

**I determine that the proposed arrangements shall take effect from 29 April 2019.**

### **The referral**

1. The board of governors for Bournville Junior 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, which is not designated as having a religious character, for children aged 7 to 11, in Birmingham.
2. The proposed variation is to revise the school's arrangements as it is to extend its age range to provide for children aged 4 to 11.

### **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.

### **Procedure**

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

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

- the referral from the board of governors dated 15 November and supporting documents;
- details of the statutory proposals relating to the school determined by Birmingham City Council;
- the determined arrangements for September 2019 and the proposed variation to those arrangements;
- a copy of the local authority’s booklet for parents seeking admission to schools in the area in September 2019; and
- details of the notification of the appropriate bodies about the proposed variation.

### **The proposed variation**

7. On 14 August 2018 Birmingham City Council (the local authority) determined a set of related statutory proposals that will have the effect of “amalgamating” Bournville Infant School and Bournville Junior School, from 29 April 2019. Bournville Infant School will close and Bournville Junior School will extend its age range by three years so that it will cater for children aged 4 to 11. The school will then be known as Bournville Village Primary School. I will refer to “the primary school” in succeeding paragraphs, as this will be the school’s status when the proposed variation takes effect.

8. Bournville Junior School has a Published Admission Number (PAN) of 96. Bournville Infant School’s PAN is 90. It is proposed that the primary school’s PAN is reduced to 90. The year of entry to which the PAN applies would be reception (YR), rather than year 3 as it is currently. It is also proposed that the school adopt the oversubscription criteria that currently appear in the admission arrangements of Bournville Infant School, which can be summarised as follows:

- (i) Looked after and previously looked after children.
- (ii) Children living in the catchment area with a sibling at the school.
- (iii) Other children living in the catchment area.

- (iv) Other children with a sibling at the school (*this criterion currently includes a sibling at the junior school*).
  - (v) Other children.
9. In response to an enquiry I made, the chair of governors confirmed that the proposed variation would need to take effect from 29 April 2019, when the statutory proposals will be implemented.

### **Consideration of the case**

10. A variation to the admission arrangements of the school is clearly necessary to take account of its extended age range, which means that it will become a primary school with YR being its normal year of entry. The variation that is proposed will mean that the primary school's arrangements match those of the closed infant school. This is what was envisaged when the statutory proposals were determined. I consider it to be the right action to take. It would not have been possible for the governing board to determine admissions arrangements for the primary school by the deadline specified in the Code (28 February 2018) as by that date the statutory proposals to close the infant school and extend the age range of the junior school had not been determined.
11. The buildings to be used by the primary school are the same as those currently used by the infant and junior schools. Therefore, the variation will have no effect on the school's catchment area or the measurement of distance from the school.
12. Although the proposed PAN of the primary school is technically a reduction from 96 to 90, it matches that of the infant school that is to close. The governing board and the local authority have indicated that it is intended to offer an additional six places to pupils moving into year 3, from the waiting list. This will mean that the number of pupils entering year 3 will continue to be 96. For the avoidance of doubt, this intention does not form part of the proposed admission arrangements and does not require my approval.
13. I have not been made aware of any responses made by the bodies that were notified of the proposed variation.
14. The variation fulfils the intention of the governing board and the local authority when the statutory proposals were determined. It produces a set of arrangements that are, to all intents and purposes, identical to those that exist at the separate infant and junior schools. I approve the proposed variation with effect from the establishment of Bournville Village Primary School, that is, 29 April 2019.

### **Determination**

15. 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

Bournville Junior School for September 2019.

16. I determine that the proposed arrangements shall take effect from 29 April 2019.

Dated: 12 December 2018

Signed:

Schools Adjudicator: Peter Goringe