



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: ADA3476

Objector: The London Borough of Hillingdon

Admission Authority: The governing board of Bishop Winnington-Ingram Church of England Primary School, Hillingdon, London

Date of decision: 19 December 2018

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2019 determined by the governing board for Bishop Winnington-Ingram Church of England Primary School in the London Borough of Hillingdon.

I have also considered the arrangements in accordance with section 88I(5) and find there are other 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 within two months of the date of the determination unless an alternative timescale is specified by the adjudicator. In this case, I specify a deadline of 28 February 2019.

The referral

Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the adjudicator by the London Borough of Hillingdon (the objector) about the admission arrangements (the arrangements) for September 2019 for Bishop Winnington-Ingram Church of England Primary School (the school), a voluntary aided school for children aged between 3 and 11 years. The objection is to the reduction in the Published Admission Number (PAN) for the Reception Year (YR) from 60 in

2018 to 30 in 2019.

The parties to the objection are the London Borough of Hillingdon, the local authority for the area in which the school is located, and the London Diocesan Board for Schools (the diocese) which is the religious authority for the school.

Jurisdiction

These arrangements were determined under section 88C of the Act by the board of governors, which is the admission authority for the school. The local authority submitted its objection to these determined arrangements on 15 May 2018. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

Procedure

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

The documents I have considered in reaching my decision include:

the local authority's form of objection, supporting documents and further correspondence;

the governing board's response to the objection, supporting documents and further correspondence;

the diocese's response to the objection on 30 May 2018;

the local authority's composite prospectus for 2019 for parents seeking admission to schools in the area identifying relevant schools;

a map showing the location of the school and other relevant schools within two miles of Bishop Winnington-Ingram;

information taken from the Department for Education's website Get Information About Schools;

a copy of the email sent to the bodies listed at paragraph 1.44 of the Code about the consultation for changes to the arrangements for September 2019;

confirmation that the arrangements were determined by the board of governors by circular resolution on 29 January 2018; and

a copy of the determined arrangements.

The Objection

The objection is to the reduction in the PAN from 60 in 2018 to 30 for admissions in September 2019. The local authority has said "*Whilst acknowledging the significant challenges that all schools face with regard to*

the allocation of financial and staffing resources, it is the opinion of the Council that a decision to reduce the availability of school places in this area is not in the overall best interests of Hillingdon residents. Having reviewed our most recent pupil forecast (July 2017), a loss of 30 admission places would seriously reduce choice for local families and reduce the flexibility in the wider school system to absorb in year admissions. All other schools in this planning area are expected to be full from September 2018 and 2019.”

Other Matters

When I considered the arrangements I found other matters which I considered might not meet the requirements of the Code. The issues I raised with the school are (with the relevant paragraph of the Code in brackets) areas which I did not consider were clear to parents, as follows:

- The arrangements state that the school will “*admit thirty (30) pupils in each year group.*” It refers to the possibility of admitting children from a multiple birth family but it could be interpreted as stating that the school will admit 30 to each year group throughout the school (14).
- The fifth oversubscription criterion refers to “*children of families [who] wish their children to participate in the ethos of this Church of England School.*” It is not clear how this will be demonstrated (14).
- It is not clear how the home address will be determined when parents have shared responsibility but live at different addresses and the child stays with each for part of the week (14 and 1.13).
- The arrangements do not set out that the waiting list will be ranked again in line with the published oversubscription criteria whenever a child is added to the list (14 and 2.14).
- The Clergy Reference Form is unclear in a number of places. It makes no reference to how long the parent or carer needs to have worshipped at least twice monthly in order to gain priority for a place at the school (1.37 and 14).
- There are references to both “*parent(s)/guardian(s)*” and “*parent/carer*”. It may not be clear whether the distinction is intended (14).
- The section on admissions on the school’s website (under Policies section of Key Information) refers to the consultation to reduce the PAN to 30 ending in January 2018. As the arrangements have now been determined, this could make the arrangements unclear and mean that the determined arrangements have not been published as required (14 and 1.47).

Background

At the meeting of the board of governors on 4 December 2017, the governors agreed to consult on reducing the PAN at the school from the PAN of 60 for 2018 to a PAN of 30 for 2019. The consultation ran from 5 December 2017 to 23 January 2018. An adviser from the diocese attended the 4 December meeting and it was reported, also at that meeting, that the headteacher had spoken to the local authority but the minutes record that there had been “no comments received so far”. The minutes also record that the school was not full at two-form entry and that the “*trend looks worse and other schools are expanding their capacity,*” They also record that 33 children had left the school since September 2017 and 20 had joined, which the school said was due to “*Forces relocation [and] some due to going to schools they really wanted.*” The local authority raised an objection to the proposal during the consultation. The board of governors confirmed the reduction in PAN by circular resolution on 29 January 2018.

The school’s oversubscription criteria can be summarised as follows:

Looked after and previously looked after children.

Children with at least one parent, legal guardian or carer who worships at least twice monthly in an Anglican church.

Children with at least one parent, legal guardian or carer who worships at least twice monthly in a church or chapel of a Christian denomination (affiliated nationally to Churches Together or The Evangelical Alliance).

Children of other faiths whose parents, legal guardians or carers take part at least twice monthly in their own faith and desire them to attend this Church of England school because of its religious tradition.

Children of families of no religious affiliation but whose parents, guardians or carers wish their children to participate in the ethos of this Church of England school.

The arrangements also explain that within each of these categories priority is given to children who have siblings at the school and then on the basis of distance from the school.

The London Borough of Hillingdon divides the borough into fourteen localities for planning primary school places. The school is located in Ruislip, the north of the borough, in Primary Planning Area (PPA) 3. Alongside the school, PPA 3 includes Warrender Primary School and two sets of paired infant and junior schools - Whiteheath Infant and Junior Schools and Coteford Infant and Junior Schools.

Consideration of Case

I shall consider in detail the case made by the school for the reduction to its PAN and the local authority’s concern about the reduction’s impact on the availability of places in the area. I shall also consider the comments made by the London Diocesan Board for Schools, the religious authority for the school.

I note that if I do not uphold the objection and the PAN remains at 30 for 2019 and be set at that level again in future years, the local authority would not be able to object to that lower PAN. This is because, while objections can be made to a reduction in PAN in the year it is reduced, as the local authority has done here, no objections can be made where a PAN is set at the same or a higher level than the previous year. The only exception to this rule concerns PANs set by local authorities for voluntary controlled and community schools and is not relevant here. These matters are covered in paragraph 3.3 b) and 3.3 c) of the Code. My decision in this case thus has implications not only for admissions to the school in 2019 but in subsequent years.

The school submitted a detailed response to the objection of the local authority. From its opening as a one-form entry school in 1968 through an increase to one and a half form entry and subsequently a two-form entry school from September 1993 the school has it says never been full. The school sent me the following information, which sets out the total number of pupils in the school since 2011/12, and the numbers admitted in YR.

Date of census count	Number of places	Total pupil numbers in school (excluding nursery class)	Number of children in YR (PAN of 60)
October 2018	420	Not provided	29
October 2017	420	334	41
October 2016	420	347	27
October 2015	420	374	45
January 2015	420	401	58
January 2014	420	400	52
January 2013	420	385	49
January 2012	420	376	56
January 2011	420	374	57

It is clear that the total number of pupils and the numbers admitted to YR have

dropped since October 2016 and the school has not been full. The school also sent me the numbers on roll at the October 2017 census for each year group.

Year group	Number of pupils on roll in October 2017
Year R	41
Year 1	30
Year 2	48
Year 3	50
Year 4	52
Year 5	53
Year 6	60

The school told me that the local authority had arranged a School Places Planning Meeting for headteachers on 18 July 2018, which was attended by several headteachers who were concerned about the reduction in applications for their schools. The note from the school said *“It was mentioned by the Local Authority more than once that the forecast for places for children in Hillingdon Schools was less than previously anticipated and forecast. The forecast figures were shown to be dropping over the next 3 years. The reasons for this were given as: challenges in forecasting/interpreting; the changing world; uncertainty over impact of financial pressure; Brexit; benefit reform; migration; parental preference; geographical barriers; slower pace of residential development; demand changes.”*

The school also told me that the budget had been under increasing pressure with no reserves and accessing a working capital loan. It said that 2018/19 was the third year without any budget for curriculum resources and that contributions from staff and parents were being used to help meet the school’s needs. To increase profile to recruit more children to the school and therefore raise income, the school advertised and took part in a number of local activities. *“Review and analysis showed that the problem is that the school is consistently well short of full, but nevertheless having to be staffed and run as though it was full.”* In addition, the school submitted details about a three-year budget plan and year-end outturns from 2010 to 2018.

Warrender Primary School, which is in the same planning area as the school, has recently had building work and increased its PAN from 30 to 60. The school told me that Warrender has always been a popular school and the school consider it likely that Warrender will recruit to its increased PAN and thus make it harder for other schools in the area to recruit, as more children will go to Warrender.

It is worth setting out some detail about school admission arrangements in the

local area. I have looked at the Department for Education's website Get Information About Schools. This lists ten schools which admit to YR within a two-mile radius of the school of which one is a Catholic voluntary aided school. Apart from the Catholic school and the school itself, the schools are all community schools for which the local authority is the admission authority. The community schools have admission arrangements which after priority for looked after and previously looked after children and children or parents with a medical or psychological condition, give priority on the basis of where children live. Bishop Winnington-Ingram by contrast gives priority as set out above.

The school has not been oversubscribed for a number of years and so has been able to admit every child who wished to go there. The school told me: *"Being a VA school gives us the ability to have a wide catchment area. This has helped us with our pupil numbers, as if we were reliant upon the local area, we would only have 50% of our children on roll."* I note that in fact the school does not give priority for admission based on a "catchment area" as this involves giving priority to children who live in a particular defined geographic area, which is not what the school's arrangements do. Nor is it the case that the school's category as a voluntary aided school is relevant as parents can express a preference for a place at any school of any category and have that preference met if the school is not oversubscribed. I infer from what the school has said, however, that it considers that it exists to serve families who live some way from the school as well as those living in its immediate vicinity. I note, from the figures the school sent me, that only 26 per cent of the school's families live under one mile away from the school. The school told me *"it is not as visible as other schools in the area, being 'tucked away'."* It has also said *"The fact is that the school has not been full for a great many years and in the past few years has seen a further drop in applications."*

It is clear that the school recognises that the reduced PAN will potentially reduce parents' choices for school places but the governors are unwilling to allow the school to drift further into a deficit budget. The school acknowledges that it will still have classroom capacity for some time after 2019 for bulge years or even a return to a PAN of 60 if there is sufficient demand and agreement with Hillingdon although it also notes that there are two demountable buildings brought in as temporary facilities nearly twenty years ago which are likely to be decommissioned.

The school management adviser for the London Diocesan Board for schools wrote to the Office of the Schools Adjudicator on behalf of the Chief Executive of the diocese and attached a copy of the Diocesan Admissions Guidance, which sets out (at almost 60 pages) guidelines for governors dated December 2017. She wrote *"With regard to guidance given to the school I can confirm that we advised the school to take heed of the advice given by the Local Authority before the governors made any decision on changes to the admission number."*

I turn now to the case made by the local authority. The local authority told me that, by 15 January 2018 when applications closed, the school had received a total of 110 preferences for places in September 2018, of which 27 were first preferences. By 29 May 2018, the school had received 120 preferences of

which 29 were first preferences. The local authority updated the allocation of places at the school as of 31 August 2018: 36 offers of places had been made of which 34 had been accepted with two outstanding offers made on 30 August 2018. It also submitted the latest forecast for demand for YR places in PPA 3, which includes the school. The local authority reported *“a modest reduction in demand for Reception places is forecast over the next two years, following which demand is relatively stable. However, the removal of 30 places per year group (a reduction of 210 places) would result in no spare primary school places in the area. In addition, there would be no margin of capacity to manage the demand fluctuations.”*

The local authority forecast the following demand:

Year	Forecast demand for places
2019/20	237
2020/21	230
2021/22	222

The total number of places available in YR of the four schools in the area which admit to YR combined, including Bishop Winnington-Ingram, is 261 based on a PAN of 30 at the school and 291 based on a PAN of 60 at the school. Both 261 and 291 exceed the forecast demand by more than 20 places each year. The local authority has not suggested that it will be unable to meet its statutory duty to ensure sufficient places for local children if the PAN at the school is reduced.

My jurisdiction allows me to uphold, partially uphold or not uphold the objection. In this case, the school has put together a package of information to make the argument that continued under-recruitment is placing the school in further financial difficulties which impact on the sustainability of the school, its maintenance and curriculum development. The local authority has sent me information about the allocation of places for schools in this area and forecasts, which show a reduced need for places in the next few years. A local school has also expanded its capacity recently. The number currently in YR is 29. I have considered whether the reduction in PAN at the school constrains the scope for the preferences of parents to be met. I have concluded that, in this case, any such possible constraint is both unlikely to materialise and, if it should, very small. I do not uphold the objection.

Other Matters

1. The school responded quickly to the issues I raised which I considered might not comply with the Code. The school forwarded amendments to the oversubscription criteria, which I consider addressed those issues and said that the changes would need to be ratified by the governing board. At the time of finalising this determination, the changes have not

yet been made to the information on the school's website. The Code requires that the admissions be varied in order to meet the points I identified and set out in paragraph 7 above. I specify a deadline of 28 February 2019 for changes to be made to the arrangements for 2019.

Summary of Findings

The school has put together a well argued application for a reduction in the PAN based on information about pupil numbers and the impact on the school's budget. It has explored and continues to explore a range of options including collaboration with other diocesan faith schools and vertically integrated – mixed age – classes to further improve its use of resources. The diocese made only one comment on the proposal; that the school should heed the advice given by the local authority. Following the initial objection, the local authority has not provided me with information about how the reduction in PAN would impact on the fluctuations in demand for in-year places. The latest forecast does confirm there are sufficient places in PPA 3 for the next three years.

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2019 determined by the governing board for Bishop Winnington-Ingram Church of England Primary School in the London Borough of Hillingdon.

I have also considered the arrangements in accordance with section 88I(5) and find there are other matters, which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

2. 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 unless an alternative timescale is specified by the adjudicator. In this case, I specify a deadline of 28 February 2019.

Dated: 19 December 2018

Signed:

Schools Adjudicator: Lorraine Chapman