



Office of
the Schools
Adjudicator

Determination

Case reference: VAR856

Admission authority: Birmingham City Council for Wilkes Green Junior School, Birmingham

Date of decision: 30 April 2019

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by Birmingham City Council for Wilkes Green Junior School for the academic year 2018/19, September 2019 and September 2020.

I determine that the proposed arrangements shall take effect from 1 May 2019.

The referral

1. Birmingham City Council (the local authority) has referred proposals for variations to the admission arrangements for Wilkes Green Junior School (the school), for the academic year 2018/19, September 2019 and September 2020 to the Office of the Schools Adjudicator. The school is a community school 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 local authority received on 9 April 2019 and supporting documents;
- details of the statutory proposals relating to the school determined by Birmingham City Council;
- the determined arrangements for the academic year 2018/2019, September 2019 and September 2020 and the proposed variations to those arrangements;
- a copy of the local authority’s composite prospectus for parents seeking admission to schools in the area in September 2019; and
- details of the notification of the appropriate bodies about the proposed variations and the response of the school.

The proposed variation

7. On 29 March 2019 the local authority determined a set of related statutory proposals that will have the effect of “amalgamating” Wilkes Green Infant School and Wilkes Green Junior School, from 1 May 2019. Wilkes Green Infant School will close and Wilkes Green Junior School will extend its age range so that it will cater for children aged 4 to 11. Wilkes Green Junior School will therefore accommodate the full primary school age range. I will refer to “the primary school” in succeeding paragraphs, as this will be the school’s status when the statutory proposals are implemented.

8. Both Wilkes Green Infant and Junior Schools have a Published Admission Number (PAN) of 90. In the case of the junior school (which is the school that will remain open, extending its age range to 4 to 11) the year of entry to which the PAN currently applies is year 3. It is proposed that when the statutory proposal is implemented, this PAN will remain unchanged, but will apply to reception (YR). It is also proposed that the oversubscription criteria for the primary school are slightly amended to remove reference to Wilkes Green Infant School. The proposed oversubscription criteria can be summarised as follows:

- (i) Looked after and previously looked children.
- (ii) Children with a sibling at the school.
- (iii) Other children (prioritised by distance from the school).

9. The local authority has proposed that the determined arrangements for the 2018/19 academic year be varied (in order to apply to any in-year applications), as well as the arrangements that have been determined for admission in September 2019 and September 2020.

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 to the oversubscription criteria that is proposed on the establishment of the primary school will mean that the way in which priority for places is determined is not materially different from the historic arrangements at the infant and junior schools. This is what was envisaged when the statutory proposals were the subject of consultation and when they were determined. The proposed oversubscription criteria are those that the local authority uses for all community primary schools. I consider this to be the right outcome.

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 measurement of distance from the school.

12. I have not been made aware of any responses from the bodies that were notified of the proposed variation. The executive head teacher of the infant and junior schools indicated that he had no comment to make.

13. The variation fulfils the intention of 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 the primary school, that is, 1 May 2019.

Determination

14. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by Birmingham City Council for Wilkes Green Junior School for the academic year 2018/19, September 2019 and September 2020.

15. I determine that the proposed arrangements shall take effect from 1 May 2019.

Dated: 30 April 2019

Signed:

Schools Adjudicator: Peter Goringe