



Office of
the Schools
Adjudicator

Determination

Case reference: VAR853
Admission authority: Bradford Council
Date of decision: 3 June 2019

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by Bradford Council for Low Ash Primary School for September 2019.

The referral

1. Bradford Council (the local authority) has referred a proposal for a variation to the admission arrangements for Low Ash Primary School (the school), for September 2019 to the Office of the Schools Adjudicator. The school is a community primary school for children aged 3 to 11 in Shipley, West Yorkshire.
2. The proposed variation is that the published admission number (PAN) for Reception (YR) is reduced 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.

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:

- a) the referral from the local authority dated 1 April 2019, supporting documents and further information provided at my request;
- b) the determined arrangements for 2019 and the proposed variation to those arrangements;
- c) a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2019;
- d) evidence that the local authority consulted the governing board of the school on this matter;
- e) a map showing the location of the school and other relevant schools;
- f) information on the websites of the Department for Education; and
- g) a copy of the letter notifying the appropriate bodies and others about the proposed variation and comments received on the proposed variation.

The proposed variation

7. The local authority determined the arrangements for the school on 6 March 2018. The arrangements included an increased PAN of 90 for admissions in 2019 compared to the PAN of 60 which had applied in previous years. The local authority has now sought a variation to reduce the PAN back to 60 and explained that the major change in circumstances that had occurred since the arrangements were determined and which justifies this change was that, *"Approved housing developments have not yet begun and others not progressing as quickly as anticipated, meaning the number of children requiring a school place in this area has not yet increased to require the increase in places."*

8. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be changed, that is varied, if there is a major change of circumstance or certain other limited and specified circumstances. I will consider below whether the variation requested will address the change in circumstances.

9. Paragraph 3.7 of the Code requires that relevant parties be notified of a proposed variation. The local authority has provided me with a copy of its notification on the proposed variation and the list of schools and other bodies to which it was sent. I have seen confirmation that the school's governing board supports the reduction in PAN albeit that they were disappointed that the proposal was made at such a late stage in the admission year. I am satisfied that all relevant bodies have been notified.

10. I have been provided with three responses to this notification, one from a prospective councillor, one from the Member of Parliament for Shipley and one from a council member for the local authority. All three responses express some level of concern about the potential reduction. Their reasons include: the investment already made into the expansion of the school by the local authority; the reputation of the council if it were to make this change at this stage; the lessons to be learnt about place planning; and that *“parental preference should be a crucial factor in considering this proposal.”*

11. I find that the appropriate procedures were followed and the relevant parties notified.

Consideration of the case

12. The local authority forecasts the potential number of children requiring a school place for YR in future years and plans the provision of school places accordingly. The forecasts take several factors into account including birth data, housing developments and previous patterns of school admissions. The local authority bases its forecasts on planning areas which are geographical groups of schools. The planning area including the school is called Shipley 1 (the planning area) and encompasses four primary schools. The local authority told me that previous patterns show a high proportion of children living in the planning area attend schools in other planning areas. There are six state funded primary schools within one mile of the school and 76 within three miles of the school so parents can exercise their parental preference for other schools without travelling long distances to do so.

13. The local authority increased the PAN from 60 to 90 for 2019 because of an anticipated increase in the number of children in the area requiring a school place. The local authority said that it is now requesting this reduction in the PAN from 90 to 60 because, *“The number of children requiring a school place has not increased as anticipated. As a popular school, if Low Ash is allocated 90 pupils, other less popular schools in the area will be impacted as they will be allocated a lower number of pupils.”*

14. There have been over 60 first preferences made for the school in every year since 2015 and so, as the PAN was 60 until 2018, the school has been oversubscribed. It was anticipated that planned housing developments would lead to an increase in demand for places in the area. However, the planned housing developments have not materialised as quickly as anticipated and there has not been an increase in the number of children living locally. The PAN of 90 would mean that the school would be likely to admit more children than previously and that this would reduce the number of children attending other local schools thus creating surplus places at them. In its referral the local authority anticipated

that 83 places would be allocated at the school in 2019 and similar numbers in future years. The intention of the proposed variation is therefore to afford some protection to other less popular schools by sustaining their pupil numbers.

15. The information provided to me shows that there were more children than places in the planning area for admissions in 2018. The local authority explained that travel routes mean that many children living in the planning area attend schools in neighbouring planning areas. I have looked at the PANs and numbers admitted to these schools and it is hard to draw conclusions on the availability of places as some schools have admitted many fewer children than their PAN and others have admitted more than twice their PANs to YR in 2018. However, I accept the general principle that, as the school is popular, it is likely to admit higher numbers of children if the PAN allows this leading to other schools having fewer children, potentially making their planning and organisation more complicated.

16. This referral was made after parents had stated their preferences for 2019. I wished to know whether parents would be disadvantaged if the PAN were reduced to 60 and so asked the local authority to tell me the number of preferences made for the school. The local authority told me that there were 77 first preferences, 44 second preferences, 35 third preferences, 34 fourth preferences and 27 fifth preferences as at 8 April 2019. Parents had made 77 first preferences on the published information that the PAN was 90. It is also possible that parents made this school a lower preference in the knowledge that with the PAN at 90 there was the strong possibility of a place at the school if they were unsuccessful in gaining a place at their higher preference school.

17. The change in circumstances is that the number of children seeking a place in YR had not increased as anticipated. However, parents made their preferences based on what was published and 77 made the school their first preference. With a PAN of 90 all those first preferences would be likely to be able to be satisfied along with any lower preferences which could not be accommodated at a more highly preferred school. To reduce the PAN at this stage of the admission year against a background of a high level of preferences would require significant justification, such as part of the school having burnt down. I do not believe that the effect on other schools is sufficient justification to reduce the PAN at this stage of the admissions year, in these particular circumstances.

Summary

18. The request was to lower the PAN to 60 for admissions in September 2019 because of the potential effect on other schools of admitting fewer children. The request to lower the PAN was made when parents had already stated their preferences and there were 77 first preferences. This means that more than 60 parents had made the school their first preference. The change in circumstances is not sufficient reason to deny the parental preferences made at this point in the admissions year. I do not approve the variation.

Determination

19. In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by Bradford Council for Low Ash Primary School for September 2019.

Dated: 3 June 2019

Signed:

Schools Adjudicator: Deborah Pritchard