



Determination

Case reference:	VAR861
Admission authority:	Brighton and Hove City Council for Mile Oak Primary School
Date of decision:	15 July 2019

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 Brighton and Hove City Council for Mile Oak Primary School for September 2019.

I determine that for admissions in September 2019 the published admission number shall be 60.

The referral

1. Brighton and Hove City Council (the local authority) has referred a proposal for a variation to the admission arrangements for Mile Oak Primary School (the school) for September 2019 to the Office of the Schools Adjudicator. The school is a community primary school for children aged 4 to 11 in Portslade, Brighton.
2. The proposed variation is that the published admission number (PAN) is reduced from 90 to 60 for admissions in 2019/20 only.

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, supporting documents and further information provided at my request;
- the determined arrangements for 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;
- evidence that the local authority has consulted the governing board of the school; and
- a copy of the letter notifying the appropriate bodies about the proposed variation.

The proposed variation

7. The local authority determined the arrangements for the 2019/20 academic year, including the PAN for all community schools in Brighton and Hove on 15 January 2018. The PAN for the school was set at 90. The local authority wrote that there was a major change in circumstances since the arrangements were determined: "*The pattern of parental preference has not realised as many pupils as was considered likely for the school.*"

8. 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 of the proposed variation and information on the schools and other bodies to which the notification was sent. I find that the appropriate procedures were followed and the relevant parties notified. The local authority reported no responses to the notification.

Background and consideration of the case

9. The local authority has proposed variations to the arrangements of four community primary schools admitting children to reception year (YR) in its area for 2019 and all four proposals are that the relevant PAN is reduced. This determination is solely for the variation proposed for the school but I have taken into consideration this wider context. The local authority wrote in the application to reduce the PAN:

"The school has received an allocation of 59 pupils to attend the school from September 2019. As a result the school has 31 surplus places. Whilst the planning area that includes the school was expected to realise 248 children for 330 spaces the pattern of parental preference has meant 278 places have been allocated in the

area. Of the 7 schools in the planning area 4 of those schools have been allocated the full number of pupils. The geographical nature of this planning area means Mile Oak is the most northerly school and a higher elevation than all the other schools. Only three schools are more than one form of entry and only one of these schools is full.”

10. The application to reduce the PAN was based on the fact that the number of places allocated to the school had reduced compared to previous years and the school was concerned that it might have been necessary to employ a third teacher for the reception year which would have had a significant financial impact; admitting more than 60 pupils would have required three classes and teachers in order to comply with the regulations relating to the size of infant classes. The local authority wrote: *“The school is therefore at risk of being required to open a third class and employ a further teacher for a total number of pupils that is likely to be a significant strain upon the school’s budget during 2019/20 and 2020/21 financial years.”*

11. The local authority sent me the following information about the number of pupils allocated to the school in the last few years.

September	Published Admission Number	Number of first preferences	Number of places allocated
2015	90	70	77
2016	90	77	84
2017	90	58	61
2018	90	63	82
2019	90	55	59

12. The headteacher of the school spoke to the governors and wrote to the local authority: *“We would reduce the PAN for next year’s academic year’s reception class but only for one year. When that year group moved to year one, we would like to consider moving it back up to 3 forms of entry. We are mindful of the new development being built close to us which could add to numbers.”* The chair of governors at the school wrote on 14 May 2019 that her *“only comment is to emphasise that this request for reduction to our PAN is for one year only at this stage.”*

13. I asked the local authority for more information about other schools to ensure that there were sufficient places in the area for local children. The school is located in the local authority’s Planning Area 1 which includes six other schools. The local authority told me that the planning area has 330 places for admission in the reception year (YR): 120 places in total for three schools and 210 places in total for four schools including Mile Oak. The number of allocations made on national offer day was 278 with 52 places available but if the variation for Mile Oak Primary School is agreed, there would be 22 places available in Planning Area 1 for late applicants or pupils who move to the area. The local authority reported *“In the adjoining planning area there are 67 spare places for September 2019 and would be able to accommodate additional pupils moving into the area requiring a place.”*

14. I looked at the website Get Information about Schools and there are seven other primary schools within one and a half miles of the school. Four schools, including one which is

voluntary aided with some faith based oversubscription criteria, are located in the Portslade Planning Area 1 and three are located in West Sussex.

15. I am satisfied that the proposed variation will not adversely affect the supply of places or the satisfaction of parental preference in the area. I am accordingly content to approve the variation. I note in passing the school's concern that its PAN should be reduced only for one year. This variation has effect only in relation to admissions to Year R in September 2019. The PAN for 2020 will already have been set and is unaffected by this variation. Any proposal to reduce the PAN for 2020 would require a further variation to be submitted to the adjudicator and I hope that this will provide the school with reassurance.

Summary

16. The local authority has proposed a variation to the admission arrangements for the academic year commencing September 2019, which is that the PAN should be reduced from 90 to 60. This is supported by the governing board for the school. There have been no concerns raised by those notified. In the light of the number of places that have been offered, and the number of vacancies in other local schools, I am assured that the variation will address the major change in circumstances.

Determination

17. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Brighton and Hove City Council for Mile Oak Primary School for September 2019.

18. I determine that for admissions in September 2019 the published admission number shall be 60.

Dated: 15 July 2019

Signed:

Schools Adjudicator: Lorraine Chapman