



Office of
the Schools
Adjudicator

Determination

Case reference: VAR863

Admission authority: Brighton and Hove City Council for West Blatchington Primary and Nursery 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 West Blatchington Primary and Nursery School for September 2019.

I determine that for admissions in September 2019 the published admission number shall be 30.

The referral

1. Brighton and Hove City Council (the local authority) has referred a proposal for a variation to the admission arrangements for West Blatchington Primary and Nursery 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 Hove.
2. The proposed variation is that the published admission number (PAN) is reduced from 60 to 30 for admissions in September 2019 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 60. 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 25 pupils to attend the school from September 2019. As a result the school has 35 surplus places. Whilst the planning area that includes the school was*

expected to realise 90 children for 150 places only 83 pupils have been allocated places in the two schools which make up the planning area.”

10. The application to reduce the PAN was based on the fact that numbers of applications to the school and first preferences had reduced compared to previous years and the school was concerned that it might have been necessary to employ a second teacher for the reception year which would have had a significant financial impact; admitting more than 30 pupils would have required two 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 second 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	60	23	24
2016	60	16	22
2017	60	23	27
2018	60	25	29
2019	60	23	25

12. The governing board met on 20 May 2019 and the headteacher sent me the following from the minutes of the meeting: *“The HT [headteacher] informed governors that a request to cap Reception to one form has been sent to the LA and is awaiting confirmation. Current numbers are 25 for September. The Finance Sub Committee and Headteacher recommended to the FGB [full governing board] to reduce the PAN to one form of entry for one year only in 2019-20. The FGB agreed with this decision.”*
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 4 which includes the school and Hangleton Primary School. The combined PANs of the two schools is 150 places for admission in YR. The local authority has also applied for a variation for Hangleton Primary School to reduce the PAN from 90 to 60 (VAR860). If both PAN reductions are agreed the number of places in Planning Area 4 would reduce from 150 to 90 and there would be seven places available for late applicants or pupils who move to the area.
14. I looked at the website Get Information about Schools and there are seven other primary schools within 1.27 miles of the school (not including Hangleton Primary School). Two of the schools are voluntary aided with some faith based oversubscription criteria and four are in Planning Area 1 – Portslade. The local authority told me that, following national offer day, there were 52 places available in the Portslade planning area although one of the schools is Mile Oak Primary School which has also applied for a reduction in PAN of 30 places (VAR861). If that application is agreed it would reduce the number of surplus places in Planning Area 1 to 22.

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.

Summary

17. 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 60 to 30. 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

18. 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 West Blatchington Primary and Nursery School for September 2019.

19. I determine that for admissions in September 2019 the published admission number shall be 30.

Dated: 15 July 2019

Signed:

Schools Adjudicator: Lorraine Chapman