



Office of
the Schools
Adjudicator

Determination

Case reference: ADA3596 Westbourne Academy, Ipswich, Suffolk

Objector: Suffolk County Council

Admission authority: Academy Transformation Trust Board for Westbourne Academy, Ipswich, Suffolk

Date of decision: 29 August 2019

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2020 determined by the Academy Transformation Trust Board (admission authority) for Westbourne Academy, Ipswich, Suffolk.

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 determine that the arrangements must be revised by 30 September 2019 to include a Published Admission Number of 224.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the adjudicator by Suffolk County Council, (the objector), about the admission arrangements (the arrangements) for Westbourne Academy, (the school) an 11 to 16 secondary academy school, for September 2020. The objection is to the reduction in the Published Admission Number (PAN) from 224 to 200.
2. The local authority for the area in which the school is located is Suffolk County Council who is the objector in this case. The local authority is a party to this objection. Other parties to the objection are the school and the multi-academy trust.

Jurisdiction

3. The terms of the Academy agreement between the multi-academy trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the academy trust board, which is the admission authority for the school, on that basis. The objector submitted her objection to these determined arrangements on 13 May 2019. 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.

Procedure

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

5. The documents I have considered in reaching my decision include:

- a. a copy of the minutes of the meeting of the multi-academy trust board at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 13 May 2019, supporting documents and subsequent correspondence;
- d. the multi-academy trust's response to the objection, supporting documents and subsequent correspondence;
- e. the local authority's composite prospectus for admissions to secondary schools in 2019;
- f. maps of the area identifying relevant schools; and
- g. confirmation of when consultation on the arrangements last took place.

The Objection

6. The local authority objects to the trust's decision to reduce the PAN from 224 to 200 for admission in September 2020 citing that there is a need to maintain these school places.

Background

7. The multi-academy trust is the admission authority for this school and retains responsibility for the admissions arrangements for all its academy schools. The trust consulted on proposals to reduce the PAN for admission in 2017 from 260 to 200. Following discussion with the local authority, this was changed to 224. The PAN for admissions in September 2017, 2018 and 2019 has been 224.

8. In December 2018 and January 2019 the trust consulted on proposals to reduce the PAN from 224 to 200 for admission in 2020. The local authority wrote to the school on 30 January objecting to the reduction and explaining that the forecast for admission to the school over the next five years showed that the PAN of 224 will be required going forward. Numbers in primary schools across the area are higher than in previous years, there is a significant amount of new housing being built in the area and there is more planned.

9. At the board of trustees meeting on 19 February the trustees determined the arrangements as proposed. According to the minutes of that meeting there was no discussion on the objection from the local authority.

10. The oversubscription criteria for admission in 2020 can be summarised as follows;

- 1) Looked after and previously looked after children
- 2) Siblings
- 3) Distance

Consideration of Case

11. The Code states at paragraph 1.2 that *“as part of determining their admission arrangements, all admission authorities **must** set an admission number for each relevant age group”*. Paragraph 1.3 goes on to say that if an admission authority is proposing a reduction in PAN then it must consult and that *“There is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator **must** have regard when considering any such objection”*.

12. The trust consulted on the proposed reduction in PAN during December 2018 and January 2019. As a result of the consultation the local authority wrote to the school and said *“Unfortunately, we are unable to support this (reduction in PAN) and find ourselves in a position where we need to formally object to you.”* In this letter the school is reminded that the local authority is responsible for school place planning and that it must ensure that there are sufficient places available in a locality to meet the demand for school places. The letter goes on to explain that the significant growth in demand for primary school places is now working its way through to secondary schools. It states that there is significant planned growth in and around the area and that this will exacerbate the growing pressure for school places across the area. It provides a five year forecast for numbers at the school showing that the forecast requires a PAN of 224 from September 2020. It explains that the numbers of children in Y6 in local primary schools rises from 289 in 2019 to 367 in 2023. The local authority says that the school is located in one of the fastest growing areas of Ipswich. It acknowledges that the school has received a number of in-year admissions but that this is also the case in other Ipswich secondary schools.

13. In subsequent correspondence from the local authority it has provided a map showing all schools within a 1.5 mile radius of the school. This shows one other secondary school and eleven primary schools with Y6 pupils. Another map shows the sites of all eight

secondary schools in the Ipswich area. The school and its neighbouring secondary school are situated to the north east of the city centre. On request the local authority provided me with the number of pupils who will be in Y5 and Y6 in September 2019 at the local primary schools. There will be 555 pupils in Y6 and 556 pupils in Y5 in September 2019 in the eleven local primary schools. The local authority explains that the numbers of pupils moving from four of the primary schools to the school are historically small. I have therefore looked at the numbers in the other seven schools. The numbers in these seven schools show that there will be 449 children in Y6 and 445 in Y5 in September 2019. These pupils will move to secondary school in 2020 and 2021 respectively.

14. The neighbouring secondary school has a PAN of 180. This means that the total PAN of both secondary schools in the area is 380 if the objection is not upheld and 404 if the objection is upheld. These numbers initially indicate that the larger PAN will be required to accommodate the needs of the area. However, these numbers do not reflect parental choice of school and therefore I have undertaken further analysis.

15. I have studied the pattern of children moving to the school from the seven schools which have the highest representation in the current Y7 of the school. I have calculated the proportion of those pupils who have moved from their primary schools compared with the PANs of the schools for the year of entry and then I have applied these proportions to the actual numbers of children in Y6 and Y5 in September 2019. The numbers in Y7 in 2019 have been provided by the school and the numbers in Y6 and Y5 in the primary schools have been provided by the local authority. My findings are shown in the table below.

Primary school	Numbers in Y7 2019	Proportion of primary school PAN admitted for September 2019 (%)	Projected numbers from 2019 Y6 – admissions in 2020	Projected numbers from Y5 – admissions in 2021
Whitehouse	53	88	73	72
Springfield	78	90	77	78
Handford	26	58	26	28
Castle Hill	16	21	15	14
Dale Hall	9	15	9	9
St Matthew's	19	32	19	19
Whitton	10	17	8	7
TOTAL NUMBERS of admissions	211		227	227

16. This shows that 2020 and 2021 intakes based on historical proportions from the seven primary schools already exceed the PAN of 224. The school figures show that there are 20 more children who have been admitted from other schools for September 2019 and the school has a waiting list of eight pupils. Assuming similar numbers for admissions in 2020 then the number of places needed in the school would be 255. This exceeds the PAN of 224 by 31. This is not taking into account the local authority's forecasts or the view that the numbers applying will increase.

17. The local authority suggests that the school is gaining in popularity in the area and that new houses which are currently being built and those which are planned will add to the numbers applying to the school. In addition, the local authority suggests that in the past two years secondary schools in other areas of Ipswich have been able to accommodate increasing numbers of pupils but that all but one of these schools is now full. The local authority forecasts that the whole local authority area will have fewer than 30 available places in secondary schools by 2022 (which is a surplus of less than 2 percent). These forecasts together with the calculations from the seven main feeder primary schools show that there is an established need for the number of school places to be maintained at the current PAN as a minimum.

18. The local authority confirms that 224 pupils have already been allocated to the school for September 2019 with a waiting list of eight. This is after late applications, withdrawals and fresh allocations.

19. In his response to the objection, the chair of the trust explained that the academy reduced its PAN from 260 to 224 in 2017 with the aspiration of being full. Up until this year, this has not been achieved and as a consequence there has been a *"constant influx of in-year admissions with a range of attendance and behaviour challenges"*. He suggests that this lack of stability does not facilitate the effective deployment of resource in terms of teachers, class size or special educational need support. He goes on to say that there has been a *"steady influx of EAL (English as an Additional Language), currently at 32 per cent of the school population"* and that this is stretching the academy's capacity to support these vulnerable learners. (DfE figures indicate that 26.3 per cent are EAL).

20. The chair of the trust acknowledges that all 224 places are filled for September 2019 and suggests a compromise. He suggests that the school will accept 224 students in 2020 if the local authority can guarantee this number. If not, the academy has requested a PAN of 210 which would allow for efficient staffing and class sizes if the PAN of 224 is not reached.

21. I requested a net capacity calculation from the school and this shows that there are a maximum of 1533 workplaces in the school and a minimum of 1379. The lower figure is taken as the net capacity and this means that the school has sufficient capacity to accommodate five year groups of 276 pupils each.

22. I am satisfied that the local authority's projected figures show that there is a need for a PAN of 224 in the school in 2020 and 2021. My own calculations also support this. I acknowledge that the local authority is responsible for pupil place planning and that there is no certainty that parents will apply to the school for a place for their child but, analysing the figures shows the potential for the school to be full for the next few years. I do not accept that the local authority can 'guarantee' this as suggested by the trust in its compromise.

23. Whilst I understand the pressures on financial planning when a school admits significant numbers of pupils in-year especially if they are challenging in their needs, I do not accept that this a good enough reason to reduce the numbers in a school which has sufficient space to accommodate them.

24. I am also satisfied that the school has ample capacity to accommodate 224 pupils in each of its five year groups as the capacity calculation shows that 276 pupils can be accommodated in each year group.

25. I am therefore of the view that the PAN for admission in September 2020 should remain at 224 and I therefore uphold this objection.

Summary of Findings

26. I uphold this objection because I am satisfied that there is a local need for the school places while the PAN is 224 and that the school can accommodate the numbers. Forecast figures from the local authority and from my own calculations suggest that at least 224 places are required in the next two years.

Determination

27. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2020 determined by the Academy Transformation Trust Board (admission authority) for Westbourne Academy, Ipswich, Suffolk.

28. 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 determine that the arrangements must be revised by 30 September 2019 to include a PAN of 224.

Dated: 29 August 2019

Signed:

Schools Adjudicator: Ann Talboys