



Office of
the Schools
Adjudicator

Determination

Case reference: VAR892

Admission authority: Northumberland County Council for Bedlington West End First School

Date of decision: 4 November 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 Northumberland County Council for Bedlington West End First School for September 2020.

I determine that the published admission number shall be reduced from 60 to 30.

The referral

1. Northumberland County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2020 for Bedlington West End First School (the school, West End), to the Office of the Schools Adjudicator. The school is a community school for children aged 4 to 9 in Bedlington.
2. The proposed variation is to reduce the published admission number (PAN) from 60 to 30.

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 30 September 2019 and supporting documents;
- b. the determined arrangements for 2020 and the proposed variation to those arrangements;
- c. evidence that the governing board for the school has been consulted;
- d. a map showing the location of the school and other relevant schools;
- e. a copy of the notification to the appropriate bodies about the proposed variation; and
- f. comments received on the proposed variation.

Consideration of the arrangements

7. Prior to submitting this request for a variation, the local authority submitted a request for a variation to the admission arrangements for another primary school in the county, Mowbray Primary School (VAR890). When considering that proposal I noted some ways in which the admission arrangements for all community and voluntary controlled school in Northumberland did not conform with the Code. The arrangements I am considering here are the same as those for Mowbray Primary School and so do not conform with the Code in the ways set out in my determination VAR890 dated 21 October 2019. That determination required the local authority to revise the arrangements to address the matters identified as not conforming with the Code within two months of its date. I will not repeat discussion about those matters in this determination.

The proposed variation

8. These arrangements were determined by the local authority on 12 February 2019.

9. In Northumberland there is a mixture of two and three-tier school systems. The school is currently part of a three-tier system and provides for children aged 4 to 9. Until

now, at the age of 9 children have transferred to a local middle school for children aged 9 to 13. However, the system is changing in this area from three to two-tier with transfer to secondary school at the age of 11.

10. In May 2019 the Secretary of State for Education approved a change to the age range of the nearby Meadowdale Academy (Meadowdale) from 9 to 13 to 3 to 11 effective from September 2020. This meant that children attending Year 4 at the school and also Bedlington Whitley Memorial Church of England First School (Whitley Memorial) did not have a middle school to transfer to in September 2020. In September 2019 the local authority approved a change in the upper age range of both of these first schools from 9 to 11 so that children at those schools could continue to attend them until they were old enough to transfer to a local secondary school.

11. The local authority said that because Meadowdale will be offering 30 places for Year R in September 2020 in an area that already has more Year R places than are needed it will be necessary to reduce the intake at West End to “*better reflect the community served by the school*”. In a separate, although related application, the governing board of Whitley Memorial have also requested that I agree a proposed reduction to the PAN for that school from 54 to 30.

12. 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 in certain other limited and specified cases. I will consider below whether the variation requested will address what is undoubtedly a major change in circumstances which has taken place since the arrangements were determined.

13. Paragraph 3.6 of the Code also requires that all appropriate bodies within the relevant area are notified of a proposed variation. Initially it appeared that the local authority had only notified the appropriate bodies in part of the relevant area. Following my enquiries the local authority sent out a further notification to all appropriate bodies in the relevant area. I am satisfied that all relevant bodies have been notified and that the appropriate procedures were followed.

Consideration of proposed variation

14. In an email from the school to the local authority dated 16 July 2019 the school said that it was in favour of the change in age range, but was “*disappointed that the proposal is to reduce our PAN from 60 to 30*”. This view was repeated in an email to me dated 14 October 2019 in which I was told that a reduction in PAN from 60 to 45 had been “*reluctantly agreed in light of the predicted pupil numbers because of falling birth rate.*” The school was concerned that the local authority was now seeking to reduce the PAN further.

15. In addition to the three schools already mentioned above (West End, Whitley Memorial and Meadowdale) there is a Catholic primary school, St Bede’s, in the area which offers 30 places in Year R. This means that without any reduction in PAN there would be

174 places available in Year R for 2020. If just this application was approved there would be 144 places available and if both applications for PAN reduction were approved there would be 120 places available. This is shown in the table below.

School	PAN as determined	PAN if this application approved	PAN if both applications approved
West End	60	30	30
Whitley Memorial	54	54	30
St Bede's	30	30	30
Meadowdale Academy	30	30	30
Totals	174	144	120

16. The local authority have told me that there are just 84 children living in the area who will be of an age to start school in September 2020. Allowing for about 15 other children who are expected to attend the Catholic school who live farther away, I am satisfied that if I approve this proposal there will be sufficient places available in the area for 2020 even if the variation to reduce the PAN at Whitley Memorial is also approved.

17. In its email to me the school commented on the pattern of parental preference in the area and the availability of pre-school provision. It said "*we are extremely disappointed that Northumberland County Council give as a reason for reducing our PAN by half that there will be places created at Meadowdale Academy as it converts from a middle to a primary school. The assumption that parents will choose Meadowdale rather than our successful and established school is both distressing and possibly inaccurate.*" According to the local authority, the number of first preferences for the school has ranged from 30 to 45 in the last three years. In those years Meadowdale was not an option in Year R and I think its availability will only reduce the number of preferences expressed for other schools.

18. An issue not raised in the application, or in the school's comments, is the ability of the school to accommodate the additional pupils that will be on roll following the increase in age range. The most recent number on roll found on the Department for Education database is 257 and the school's capacity is listed as 300. The children currently in Year 4 will not be leaving in the summer of 2020 and so if the PAN remained at 60, it would be possible for the capacity to be exceeded in September 2020. As no children would leave in summer 2021 either, there would be no room for any admissions in September 2021.

19. If new accommodation was provided to allow the school to continue to admit up to 60 pupils the physical expansion would be of a scale that would require statutory proposals

and major capital investment. While the documents considered when the local authority decided to change the age range show that it has made some capital provision to support the increased age range, creating more primary school places in an area where there is already a surplus was not envisaged.

20. With no more than 30 children joining the school in September 2020 and 2021, there would be no more than 317 children in the school before larger year groups began to leave. The roll would then fall back below the existing capacity of the school, at which point there would be scope to increase the PAN if that becomes necessary to provide additional places in the area or to meet more parental preferences.

Summary

21. There has clearly been a major change in circumstances as the age range of the school and other local schools have changed since the PAN was set at 60. The proposed reduction in the PAN to 30 addresses the oversupply of places in the area identified by the local authority and allows the school to transition from a first school to a full age range primary school without requiring excessive capital investment. While there will be less opportunity to meet all first preferences for the school, the new option for Year R places in the area will change the pattern of parental preference. I therefore approve the proposed reduction in the PAN from 60 to 30 for September 2020.

Determination

22. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Northumberland County Council for Bedlington West End First School for September 2020.

23. I determine that the published admission number shall be reduced from 60 to 30.

Dated: 4 November 2019

Signed:

Schools Adjudicator: Phil Whiffing