



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: VAR893**

**Admission authority: The governing board for Bedlington Whitley Memorial First School, Northumberland**

**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 the governing board for Bedlington West End First School for September 2020.**

**I determine that the published admission number shall be reduced from 54 to 30.**

## The referral

1. The governing board has referred a proposal for a variation to the admission arrangements for September 2020 for Bedlington Whitley Memorial First School (the school, Whitley Memorial), to the Office of the Schools Adjudicator. The school is a voluntary aided school for children aged 3 to 9 in Bedlington. The local authority for the area is Northumberland County Council and the religious authority for the school is the Newcastle Diocesan Education Board (the Diocese).
2. The proposed variation is to reduce the published admission number (PAN) from 54 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 governing board dated 30 September 2019 and supporting documents;
- b. the determined arrangements for 2020 and the proposed variation to those arrangements;
- c. a map showing the location of the school and other relevant schools;
- d. a copy of the notification to the appropriate bodies about the proposed variation; and
- e. comments received on the proposed variation from the appropriate bodies.

## Consideration of the arrangements

7. When I considered these arrangements as a whole I noted that the section on admission outside of the normal age group did not meet the requirement set out in paragraph 2.17 of the Code that “*Admission authorities must make clear in their admission arrangements the process for requesting admission out of the normal age group.*” When I drew this to the school’s attention it agreed to revise its arrangements immediately in order to comply with this requirement of the Code. I regard this as an action taken by the admission authority to give effect to a mandatory requirement of the Code under paragraph 3.6 of the Code and I will not refer to this matter again.

## The proposed variation

8. These arrangements were determined by the governing board on 22 November 2018.

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.

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 the school and also Bedlington West End First School (West End) did not have a middle school to transfer to in September 2020 when they would have been required to leave those schools. In September 2019 the local authority approved a change in the upper age range of both 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 governing board 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 the school to “*better reflect the number of pupils likely to attend the school*”. In a separate but related application, the local authority have also requested that I approve a variation to reduce the PAN for West End from 60 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 certain other limited and specified circumstances. I will consider below whether the variation requested will address what is clearly a major change in circumstances which has taken place after the arrangements were determined.

13. Paragraph 3.6 of the Code also requires that all appropriate bodies in the relevant area are notified of a proposed variation. No evidence was provided with the application that any notification had taken place. When I raised this matter with the school it sent a suitable email to all appropriate bodies. I find that the appropriate procedures were followed.

## Consideration of proposed variation

14. In addition to the three schools already mentioned above 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. If just this application was approved there would be 150 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	60	30
Whitley Memorial	54	30	30
St Bede’s	30	30	30

Meadowdale Academy	30	30	30
Totals	174	150	120

15. 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. About 15 other children 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 PAN reduction at West End is also approved.

16. The number of first preferences for the school has ranged from 40 to 51 in the last three years. However, in those years Meadowdale was not an option in Year R and so I cannot give as much weight to previous patterns of parental preference as I might otherwise have done. Some parents in the area will undoubtedly find the new provision more convenient and list that as a higher preference.

17. An issue not raised in the application 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 shows there being 269 pupils in Years R to 4 and the school's capacity is listed as 270. The school appears to be operating at capacity now. With children currently in the school staying on for two more years there will be no children leaving while two more year groups join leading to the school capacity being exceeded.

18. If new accommodation was provided to allow the school to continue to admit up to 54 new pupils each year the physical expansion would be of a scale that would require statutory proposals and major capital investment. In taking the decision to increase the age range of the school it was noted that there was some capital provision from the Locally Controlled Voluntary Aided Programme available to support the change. Reducing the PAN will limit the need for additional accommodation during the transitional period.

19. With no more than 30 children joining the school in September 2020 and 2021, there would be no more than 329 children in the school before larger year groups began to leave. The roll would then fall back each year to below the existing capacity of the school.

20. I have noted the comments from the Diocese in support of this proposal.

## 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 54. 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 54 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 the governing board for Bedlington Whitley Memorial First School for September 2020.

23. I determine that the published admission number shall be reduced from 54 to 30.

Dated: 4 November 2019

Signed:

Schools Adjudicator: Phil Whiffing