



Office of
the Schools
Adjudicator

Determination

Case reference: VAR896

Admission authority: The governing board of Fearnhill Maths and Computing College, Letchworth, Hertfordshire.

Date of decision: 29 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 Fearnhill Maths and Computing College, Letchworth for September 2019 and September 2020 that the published admission number for each of these years should be reduced from 150 to 120.

The referral

1. The governing board has referred a proposed variation for Fearnhill Maths and Computing College (the school), for September 2019 and September 2020 to the Office of the Schools Adjudicator (OSA). The school is a Foundation school for children aged 11- 18 in Letchworth. The local authority (LA) for the area is Hertfordshire County Council.
2. The proposed variation is to reduce the Published Admission Number (PAN) from 150 to 120 for September 2019 and for September 2020.

Jurisdiction

3. The referral was made 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 variations are 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 governing board’s referral sent by the LA on 7 November 2019 and supporting documents;
- b) the determined arrangements for 2019 and 2020 and the proposed variation to those arrangements;
- c) comments from the LA;
- d) the local authority’s information for parents seeking admission to schools in the area in September 2019;
- e) copies of the notifications sent as required by the Code.

The proposed variation

7. The school has determined a PAN of 150 for September 2019 and September 2020 but is currently undersubscribed and is forecast to remain so. One of the consequences of having capacity in-year is that the school experiences high numbers of in-year admissions. The school is seeking to manage this situation and reduce the disruption that is caused to the education of the children already in a class when significant numbers of new admissions take place after the classes have been established.

Consideration of the case

8. The school and the LA have reported the difficulties that the school is experiencing in maintaining stability in its classes. For September 2019 Years 8, 9 and 10 were each organised into three classes. Years 7 and 11 were organised into four classes. The pupil numbers in the current year and in previous years are set out in the table below:

	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Total
Autumn 2019	109	74	77	80	82	39	19	480

Spring 2019	75	75	73	83	63	21	27	420
Spring 2018	68	73	83	71	62	40	43	440
Spring 2017	74	93	74	64	95	46	37	483
Spring 2016	89	73	64	103	95	50	43	517

9. The school reports a fall in overall attainment across the school between 2016 and 2018 particularly for disadvantaged students. The school believes this was in large part due to the high number of in-year admissions to the school, with 28 per cent of the 2018 GCSE cohort joining the school in-year from other local schools. The school explains that this brought particular challenges in terms of attendance and engagement. This pattern is repeated across other years in the school. The school reports that it lost the confidence of the local community following an unsuccessful Ofsted inspection in 2011 and it has taken time to rebuild that belief and to challenge poor perceptions of the school. The school also reports that recruiting and retaining high quality staff has been challenging. Outcomes in 2019 were back to national average in terms of the school's Progress 8 score and applications to the school as first preferences for places in Year 7 are increasing.

10. In order to continue to improve the quality of education on offer, the school wishes to establish stability in its intake and avoid the disruption brought about by high pupil mobility. One of the strategies is to reduce the PAN which will stabilise the pupil numbers by reducing the number of in-year admissions that the school must make because of the difference between the actual number of admissions and the PAN in Year 7.

11. The Code in paragraph 1.2 requires an admission authority to “*set an admission number for each relevant age group*”. The relevant age group is defined as “*the age group at which pupils are or will normally be admitted to the school*”. In this school the normal age groups of entry are to Year 7 and Year 12. This variation request concerns the admissions at Year 7. The PAN for Year 7 sets out the number of places available at the school in that year and the Code is clear that the school as admissions authority **must** allocate a place to an applicant if an application is received for that year group and there is a place available within the PAN.

12. In determining whether or not the variation request should be agreed it is necessary to establish that there are sufficient places available in the school and in the local area. The application process to the school for September 2019 has been completed and 109 places were allocated. If the PAN is reduced to 120 for the current year there remain nine places available for in-year admissions. This allows for some inward migration into the area but will also allow the school to organise the year group as four classes. For September 2020, the allocation process remains to be undertaken but the LA forecasts that the number of applicants in the area will remain much the same as for September 2019 and does not

anticipate that there will be more applicants to the school than places available even if the PAN is reduced.

13. There are two secondary schools in the Letchworth planning area, this school and the Highfield School. Their combined PANs are 330 and if this variation is approved the combined PAN will reduce to 300. The PANs of all the primary schools in the area total 390 but the LA has explained that there is considerable movement through parental preference towards nearby faith and single sex schools so there is currently a surplus of places in the area of these two secondary schools and it is forecast that this will continue. The current and the forecast numbers for the Letchworth schools are:

Year	Fearnhill number admitted*	Highfield number admitted*	Total number of places admitted
2016/2017	74	179	253
2017/2018	68	159	227
2018/2019	75	171	246
2019/2020	109*	180*	289

*October 2019 census

Year	Numbers projected
2020/2021	259
2021/2022	246
2022/2023	269

14. The LA has confirmed its support for this variation request and has also confirmed that it will be supporting the school to limit in-year admissions for Years 8-11 in the school and will continue to monitor demand and will work with Fearnhill School should there be a need to increase places in the future.

15. Year 7 admissions are determined by the PAN but this does not apply to other year groups. These admissions are outside my jurisdiction and it is for the school as admissions authority to decide whether it has the capacity to make an admission into these other year groups. If it refuses to admit a child, the applicant has the right to appeal to an independent appeals panel against the refusal to offer a place. In defending its decision, the school must be able to demonstrate to the appeals panel that offering the place would “*prejudice the provision of efficient education or the efficient use of resources*” as set out in section 86 of the School Standards and Frameworks Act 1998.

16. On the basis of the information provided by the school and the LA, I am satisfied that there will be sufficient places to meet demand at the normal year of entry for both 2019 and 2020 and I therefore approve the requests to vary the PAN from 150 to 120 in each year. The school informs me that it is consulting to change the PAN from 2021 onwards and once changed it will not be necessary for the school to consult on a change of PAN for subsequent years except to meet requirement in paragraph 1.42 of the Code to consult every seven years whether or not a change is proposed to the school's determined arrangements.

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 the governing board for Fearnhill Maths and Computing College, Letchworth for September 2019 and September 2020 that the published admission number for each of these years should be reduced from 150 to 120.

Dated: 29 November 2019

Signed:

Schools Adjudicator: David Lennard Jones