



Office of
the Schools
Adjudicator

Determination

Case reference: VAR1295

Admission authority: Bournemouth, Christchurch and Poole Council for Somerford Primary School, Christchurch

Date of decision: 25 August 2020

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 Bournemouth, Christchurch and Poole Council for Somerford Primary School for September 2021.

I determine that the published admission number will be 30.

I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the way set out in this determination.

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.

The referral

1. Bournemouth, Christchurch and Poole Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 for Somerford Primary School (the school), to the adjudicator. The school is a community school for children aged four to eleven in Christchurch.
2. The proposed variation is that the published admission number (PAN) is reduced 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.
5. I have also used my power under section 88I of the Act to consider the determined arrangements as a whole.

Procedure

6. In considering this matter I have had regard to all relevant legislation, and the School Admissions Code (the Code).
7. The documents I have considered in reaching my decision include:
 - a. the referral from the local authority dated 30 July 2020, supporting documents and responses to my enquiries;
 - b. the determined arrangements for 2021 and the proposed variation to those arrangements;
 - c. evidence that the governing board for the school has been consulted;
 - d. information on the notification of the appropriate bodies about the proposed variation.

Consideration of the arrangements

8. The arrangements do not state, as required by paragraph 2.14 of the Code, regarding waiting lists, that “each added child will require the list to be ranked again in line with the published oversubscription criteria. Priority **must not** be given to children based on the date their application was received or their name was added to the list.” The local authority has said that it will address this matter which is welcomed. I will not discuss it further other than to make clear that the Code requires that the arrangements be amended to address the point set out here.

The proposed variation

9. The proposed variation is linked to an intention to expand special school provision in the area using a number of existing school sites including the school's site and buildings. The councils previously serving the areas of Bournemouth, Christchurch and Poole were replaced by the local authority on 1 April 2019. The local authority said that it undertook a review of special educational needs provision in the area which led to a decision to expand the provision made by special schools in order to meet identified need. The approach decided upon was to build on an existing model of special schools with satellite provision in the buildings of other schools, including the school.

10. Linwood Special School is a special school in the area which already uses this model and the local authority has it in mind to expand its provision using some of the buildings at the school. The local authority has already undertaken a seven week consultation which included advertising in the local press and informing parents of their proposals for Linwood Special School and the effect of this on the school and other schools. All the responses to the consultation were considered by the Cabinet of the local authority which resolved to take the proposal forward. This will require the publication of a statutory notice for a prescribed alteration to Linwood Special School to expand its provision in accordance with the requirements of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. The local authority has told me that it intends to publish the necessary proposals in time for a decision on them to be made by its Cabinet in February 2021. It is anticipated that should the proposals be agreed, they will be implemented in time for children to attend the new provision made by Linwood School from the school's buildings from September 2021. The implementation of the proposals would require the PAN for the school to be reduced from 60 to 30 for 2021 to ensure that there is space for the new special needs provision.

11. 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 is justified by the change in circumstances.

12. Paragraph 3.6 of the Code also requires that relevant parties be notified of a proposed variation. The local authority has provided me with a copy of its notification on the proposed variation and the list of schools and other bodies to which it was sent. I have seen confirmation from the school's governing board that it supports the request for the variation. I am satisfied that all relevant bodies have been notified and that views expressed have been taken into consideration. I find that the appropriate procedures were followed.

Consideration of proposed variation

13. The Code requires a public consultation for a change to most aspects of admissions arrangements. This is not required when the change is made through a variation because a variation is to meet a major change in circumstances since the arrangements were

determined. Parents and others with an interest therefore do not normally have an opportunity to express any views on the proposed variation. Moreover, once the PAN has been set for a community school such as this one, the only body that can object if the PAN remains the same in subsequent years is its governing board. This situation is unusual as the local authority has undertaken a consultation on the proposed variation as part of its wider consultation on special needs provision. While the consultation would not meet the requirements of the Code (it was as long as the Code required but did not take place at the time specified in the Code) it is apparent that the local authority went to some lengths to raise awareness of the proposals.

14. I have scrutinised the data to try to ascertain if there will be sufficient school places in the local area if the PAN were to be reduced from 60 to 30; considered the demand for places at the school; the reasons given for the change; and whether the change is justified in these circumstances.

15. The local authority has a duty to make sure that there are sufficient places for the children in its area. To fulfil this duty the local authority assesses the likely future number of places to be needed and plans to meet that need. The local authority uses planning areas, which are geographical groups of schools, for this purpose. The school is in Christchurch and the relevant planning area is called the East Christchurch planning area (the planning area). There are five primary schools admitting children to reception year (YR) in the planning area.

16. The local authority, formed 1 April 2019, does not have all the relevant data for previous admissions to the schools in the planning area but was able to provide some information. The sum of the PANs for the schools admitting children to YR in the planning area for 2020 is 300. Across these schools 234 children have been offered places for September 2020 which leaves 66 vacant places. This means that 22 per cent of places are vacant.

17. Looking forward, if the PAN for the school remained at 60 then the forecasts provided to me show similar or higher proportions of vacant places in future years. There is a possibility, based on the anticipated development of new housing, that the numbers may increase in 2023 but even then there are still vacant places forecast. I am therefore assured that if the PAN for the school were reduced to 30 then there would be sufficient places in the planning area for every child who needed a place.

18. Demand for places at the school has reduced in recent years and this matches a reduction in numbers across the planning area. The local authority told me that schools were largely full in 2016 but now, with no increase in the number of places available, over a fifth of places available for YR are vacant. The school has 23 children in the current YR which was admitted in September 2019 and 28 in the current Year 1. For admissions in September 2020, 28 children have been allocated places. This shows that fewer than 30 children were admitted to the school in 2018 and 2019 and fewer than 30 children have

been allocated places for September 2020. This all means that had the PAN for the school been previously set at 30 then no child would have been refused admission in those years.

19. I am assured that there are sufficient places in the planning area if the PAN were reduced to 30 and that a PAN of 30 would not frustrate parental preference.

20. The variation has been proposed in order to create space for satellite provision for Linwood Special School. As explained above, this is part of a local authority wide plan to increase the number of places for children who require specialist special educational needs provision. The expansion of Linwood Special School is the major change in circumstances which makes the reduction in PAN necessary. It is the case that no statutory proposals have yet been published and I cannot be certain that they will be (although I do not doubt the local authority's intention in this regard). It follows that nor can I be certain that any published proposals will be approved; the local authority itself cannot be sure of that as it must conscientiously make its decision taking account of any representations which may be made in due course once proposals are published.

21. Because no proposals have yet been published or approved, I have considered whether it is appropriate for me to approve now a reduction in the PAN for the school. I consider that it is appropriate. The local authority has decided to make changes to the pattern of provision for the education of children with special educational needs requiring specialist provision and expects to be able to approve proposals to bring this about in February 2021. That is after the closing date for applications to primary school which is 15 January 2021. It is in my view desirable that parents know before that deadline how many places the school will have to offer.

22. There are sufficient places for children in the area and a PAN of 30 would not frustrate parental preference. Parents, the school and the local authority would benefit from clarity concerning the PAN for when applications are made for YR for 2021; the closing date for applications will be 15 January 2021 and so prior to the finalisation of the statutory proposal process. In these circumstances I approve the proposal to reduce the PAN from 60 to 30.

Determination

23. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Bournemouth, Christchurch and Poole Council for Somerford Primary School for September 2021.

24. I determine that the published admission number will be 30.

25. I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the way set out in this determination.

26. 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.

Dated: 25 August 2020

Signed:

Schools Adjudicator: Deborah Pritchard