



Office of
the Schools
Adjudicator

Determination

Case reference: VAR1830 Bassett Green Primary School

Admission authority: The Governing Board of Bassett Green Primary School for Bassett Green Primary School, Southampton

Date of decision: 2 October 2020

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the governing board for Bassett Green Primary School, Southampton.

I determine that for admissions in September 2020 and September 2021 the Published Admission Number will be 60.

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

The referral

1. The local authority (Southampton City Council), on behalf of the governing board has referred to the Adjudicator a proposed variation to the admission arrangements for admissions in 2020 and 2021 for Bassett Green Primary School (the school). The school is a 4 to 11 primary school in Southampton; it is a foundation school. The referral requests a reduction in the Published Admission Number (PAN) from 90 to 60 for admissions in September 2020 and 2021.

Jurisdiction

2. 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”.

3. I am satisfied that the proposed variation is within my jurisdiction.

4. I am also satisfied that it is within my jurisdiction to consider the determined arrangements in accordance with my power under section 88I of the Act as they have come to my attention and determine whether or not they conform with the requirements relating to admissions and if not in what ways they do not so conform.

Procedure

5. In considering this matter, I have had regard to all relevant legislation, guidance and the School Admissions Code.

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

- a) the local authority’s referral on behalf of the governing board dated 14 May 2020 but received by the Office of Schools Adjudicator (OSA) on 10 September 2020;
- b) minutes of the governing board meetings of 15 January 2019 and 21 January 2020 at which the arrangements were determined for September 2020 and September 2021 respectively;
- c) a note from the governing board confirming that the local authority can act on their behalf in this request;
- d) the determined arrangements for admission in 2020 and 2021 for the school;
- e) details of notifications sent to appropriate bodies concerning the variation request; and
- f) comments from the school and the local authority concerning the variation request and subsequent correspondence; and a copy of the local authority’s booklet for parents seeking admission to schools in the area in September 2020.

The proposed variations

7. 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.

8. Paragraph 3.6 of the Code also requires that the appropriate bodies in the relevant area be notified of proposed variations. I have seen evidence that all appropriate bodies have been notified of this variation. I have also seen confirmation from both the school's governing board and the local authority that the request for the variation is supported.

Consideration of proposed variations

9. The admission arrangements for admission in September 2020 were determined by the governing board on 15 January 2019 and published on the local authority's and the school's websites. The arrangements for admission in 2021 were determined by the governing board on 21 January 2020. Both these sets of arrangements include a PAN of 90. This is the same PAN as previous years. At the school's governing board meeting on 10 March 2020 the PAN was discussed in view of falling rolls in the school. The governing board, meeting online on 17 April 2020 was informed that the entry numbers for September 2020 were likely to be below 60 and the decision was made to apply for a reduction in the PAN from 90 to 60 for admission in September 2020 and 2021. This decision was ratified by a meeting of the governing board on 5 May 2020. The local authority on behalf of the governing board submitted the variation request to the OSA on 10 September 2020.

10. The referral explains that the school has been rated by Ofsted inspectors as requiring improvement on two occasions in recent years. A new headteacher was appointed in September 2019 and she is leading a school improvement strategy which includes organisational change which will reduce the staffing spend in the overall school budget. Currently there is a significant deficit in the budget and for the year 2020-21 the budget shows that 97 per cent is spent on staffing. This is a very high proportion in view of the Department for Education's (DfE) recommended figure of 80 to 85 per cent.

11. The request states that the Ofsted grading has increased turbulence in the school and over the last year many children have been admitted to the school as a second or third preference only to be retained on their more preferred school's waiting list and then, when a place has become available, they have moved to their higher preference school. In addition, fewer children have applied to attend the school. Admissions in September 2019 led to a three-form entry with classes of around 22 pupils. Forecast allocations for admission in 2020 showed that the total number was likely to be 56. Actual numbers of admissions were 49. As reception (YR) in the school year 2019 to 2020 was below PAN, a number of pupils were admitted during the school year although some then left as their preferred school became available. The situation led to unsettled classes and wasted resources both in terms of teacher time and effort as well as books and equipment.

12. The variation would provide stability for the school with the potential of a two-form entry with 30 pupils in each. This would mean that the numbers applying can be accommodated and there would be available spaces for any late applicants. The variation would support decreasing staffing costs and this saving could be spent on resourcing

and/or deficit recovery. It would also mean that pupil turnover (turbulence) would be lower leading to a more settled school and less wastage of resources.

13. The local authority forecast planning document indicates significant surplus places across the city from 2020 onwards. The figures for admissions in 2021 show additional capacity in the primary schools over and above the DfE's recommended 5 per cent level. The local authority says that this school is entering a period of high surplus which means that 90 places will not be required in the foreseeable future. The local authority provided numbers of applications and allocations for the previous two years and a forecast for admissions in 2022. These figures are significantly below PAN. These can be seen in the table below;

September	PAN	First preferences	Places allocated
2019	90	46	67
2020	90	43	49
		Forecast	
2022	60		54

14. The school's building is able to accommodate 90 children in each year group. However, the governing board considers it to be financially unviable to plan staffing and accommodation for 90 pupils being admitted in YR when, in reality, the number is much smaller. This planning has added considerably to the financial and organisational burden on the school. In the delegated budget scheme, funds are allocated to the school based on a number of factors. Most important among these factors is the allocation of funds based on actual pupil numbers on roll. A sustainable financial plan based on 90 pupils in a year group where the numbers are actually only 60 or fewer could prove difficult for governors to manage. I agree that this situation may render the school's budget financially unviable in the future.

15. The local authority states that the reduction in PAN for YR for the school will not lead to a shortage of school places in the planning area. I have also considered the current and forecast numbers for admission to the school. The school has been able to admit every child whose parent wished them to attend this school in the past few years and is forecast to be able to continue to meet parental preferences in the future with the reduced PAN.

16. I therefore approve the variation requested by the school. The PAN for admission to the school in both September 2020 and September 2021 will be 60.

Other Matters

17. Having considered the admission arrangements for the school for admission in 2021, as a whole it would appear to me that the following matters do not conform with the requirements relating to admissions as follows:

- Definition of looked after and previously looked after children (paragraph 1.7 of the Code). Oversubscription criterion 1 in the admission arrangements reads; “Children in Public Care (looked after children) and previously looked after children as defined by section 1.7 of the School Admission Code.” Paragraph 14 of the Code states that “In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide on the allocation of school places are fair clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated”. I am of the view that reference to a paragraph in the Code is not sufficiently clear for parents reading the arrangements and does not therefore conform with paragraph 14 of the Code. The required definitions of looked after and previously looked after children should appear in full in the arrangements. This part of the arrangements therefore requires amendment.
- Reference to Child Protection Plan in the oversubscription criteria (paragraph 14 of the Code). This was unclear in the 2020 arrangements but has been clarified in the 2021 arrangements and is now compliant with the Code.
- Admission of children below compulsory school age and deferred entry to school (paragraph 2.16 of the Code). Paragraph 2.16 of the Code makes it clear that a pupil’s deferred entry to school is an entitlement provided for parents who wish to delay the start of school for their child. This is not discretionary and it is not a decision for the school. In the arrangements it states that “it is possible for them (parents) to request part-time admission or deferred entry”. The use of the words ‘possible’ and ‘request’ imply that the school will make the decision in these cases and this is not compliant with the Code. This therefore requires amendment.

Summary

18. With reduced numbers applying for and being allocated a place at the school the current PAN of 90 is unrealistic and is leading to turbulence in the school and an increasingly deficit budget. I agree that this is a major change in circumstances. The local authority forecast that smaller numbers will apply to the school and will be allocated a place and support the request for a reduced PAN. The local authority makes it clear that this will not adversely affect primary places in the area. I am of the view that a reduction in PAN with a consequent reduction in staffing will lead to a more stable school and a reduced deficit budget which will in turn allow the school improvement strategy to be implemented.

Determination

19. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the governing board for

Bassett Green Primary School, Southampton. I determine that for admissions in September 2020 and September 2021 the Published Admission Number will be 60.

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

21. 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 this determination.

Dated: 2 October 2020

Signed:

Schools Adjudicator: Ann Talboys