



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2227

Admission authority: The governing board of St Bede's Catholic Infant and Nursery School, Lambeth

Date of decision: 26 May 2022

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed reduction in the published admission number for 2022 determined by the governing board of St Bede's Catholic Infant and Nursery School, Lambeth.

I determine that for September 2022 the published admission number will be reduced from 60 to 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 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 the determination.

The referral

1. The governing board of St Bede's Catholic Infant and Nursery School (the school) has referred a proposal for a variation to the admission arrangements for September 2022 to the adjudicator. The school is a voluntary aided school for children aged three to seven in the London Borough of Lambeth (the local authority) and the religious authority for the school is the Roman Catholic Archdiocese of Southwark (the diocese).

2. The proposed variation is to reduce the published admission number (PAN) from 60 to 30.

Jurisdiction and procedure

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which deals with variations to determined arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) provide as follows (insofar as is relevant here):

“3.6 Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified.

3.7 Admission authorities **must** notify the appropriate bodies of all variations.”

4. I am satisfied that the proposed variation is within my jurisdiction. 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 they conform with the requirements relating to admissions and, if not, in what ways they do not so conform.

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

6. The information I have considered in reaching my decision includes:

- a. the referral from the governing board dated 14 February 2022, supporting documents and further information provided at my request;
- b. information provided by the local authority;
- c. the determined arrangements for 2022 and the proposed variation to those arrangements;
- d. a map showing the location of the school and other relevant schools;
- e. comments received from the diocese; and
- f. information available on the websites of the local authority and the Department for Education.

7. Paragraph 3.6 of the Code requires that the appropriate bodies in the relevant area be notified of a proposed variation. The local authority, on behalf of the governing board, has provided me with confirmation that the appropriate bodies have been notified. I find that the appropriate procedures were followed.

The proposed variation

8. The arrangements for the school for 2022 were determined by the governing board on 15 November 2021. The proposed variation is to reduce the PAN at the school from 60 to 30 for admission to YR in September 2022. The chair of governors said, “Falling admission numbers in the borough resulting in lower admissions to our school over the past three years...” “There are not enough pupils applying to our school to fill places in our two form entry school at present.”

9. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be revised, 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.

Consideration of proposed variation

10. As noted above, the school’s PAN was determined at 60. The local authority told me that 22 first preference and nine second preference applications were made on-time in January for places in September 2022. On National Offer Day (19 April 2022) the local authority informed parents about the outcome of applications to primary schools. For this school 27 offers were made. From this information I can be confident that all those who wanted a place at the school, including all those for whom the school was their first preference and those for whom it was a lower preference for whom a higher preference could not be offered, will have a place there. The number of places offered is below the proposed PAN of 30 that the school is seeking. While it is true that, as parents decide whether to accept the offers that have been made, there may still be some movement in the numbers due to start at the school in September 2022, this would seem unlikely to mean that 30 places would be inadequate to meet demand.

11. Linked to this, the local authority has a duty to make sure that there are sufficient school places for the children in its area. In order to carry out this duty the local authority considers the availability of places and the need for places in planning areas which are geographical groups of schools. The school is in the Clapham and Stockwell planning area (the planning area) together with fourteen other schools which admit children to YR. If I determine that the PAN reduces to 30 for admission in 2022, I need to consider if there are sufficient places to meet demand across the planning area.

12. The local authority provided me with information on admissions to YR for the schools in the planning area in recent years and this is shown in Table 1 below.

Table 1: Admissions and forecast admissions to schools in the Clapham and Stockwell planning area of the London Borough of Lambeth

	2019	2020	2021	2022	2023
Sum of the PANs for the schools in the planning area	765	710	705	675	675

Number of children on YR roll in January (forecast January 2023 and January 2024)	675	629	639	583	534
Number of vacant places or potential vacant places	90	81	66	92	141
Number of vacant places as a percentage	12%	11%	9%	14%	21%

13. Table 1 shows there are clearly sufficient places across the planning area with a high number of vacant places. Local authorities aim to have a certain proportion of vacant places so that children moving into the area and others needing a school place can be accommodated; this proportion is normally around five to ten per cent.

14. I will now consider the demand for places at the school. If I were to agree to the reduction in the PAN at the school, there will – based on the information I have - be some vacancies for new or late applicants to the school. The school told me that the local authority and the diocese support the request to reduce the PAN at the school. The diocese commented “We would have no objection to the school reducing its PAN. Given the current numbers across Key Stage 1 and future predictions, it would not impact on parent choice for a faith school and would provide financial sustainability for the school. It would also ensure that the school were able to offer the best quality provision, as a 1FE [one form entry] school.”

15. Table 2 shows the number of children on the school roll in YR in January of the admission year for the schools in the planning area. The school has not admitted to its PAN of 60 for the last few years and the numbers admitted have been on a downward trajectory since at least 2019.

Table 2: Schools in the Clapham & Stockwell Planning Area of LB Lambeth: Reception rolls in January 2020, 2021 and 2022. Forecasts for January 2023 and January 2024

School	2019/20	2020/21	2021/22	2022/23	2023/24
Allen Edwards Primary School	38	43	57	45	42
Bonneville Primary School	51	55	51	48	44
Clapham Manor Primary School	58	54	58	56	50
Glenbrook Primary School	24	17	20	22	19
Heathbrook Primary School	53	56	49	54	50
Henry Cavendish Primary School	116	106	113	58	53

Iqra Primary School	30	30	30	27	27
Kings Avenue School	19	18	21	20	17
Lark Hall Primary School	49	33	42	39	36
Macaulay Church of England Primary School	29	27	22	27	23
St Andrew's Church of England Primary School	30	31	17	25	22
St Bede's Catholic Infant School	41	35	30	33	30
St Mary's Roman Catholic Primary School	49	48	43	45	41
St Stephen's Church of England Primary School	30	19	28	26	22
Telferscot Primary School	58	57	58	59	58
Clapham & Stockwell	675	629	639	583	534

16. At their meeting on 8 November 2021, the Resources Committee for the governing board discussed the number of pupils on roll and the sustainability of the school, including the nursery. The school told me that the reduction in PAN would, “Enable us to continue to remain viable as a one form entry school until admission figures rise/local context changes.”

17. On the basis of the information provided to me I am satisfied that the proposed variation is justified, and I approve it.

Consideration of the arrangements

18. Paragraph 14 of the Code sets out that:

“In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide 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.”

19. Having considered the admission arrangements as a whole, it appeared to me that the following matters, which were included in the admission arrangements on the date of

submission to the adjudicator, did not conform with the requirements relating to admissions as follows:

- a. The school's website is not clear for parents to access as the information is set out in various places. The Supplementary Information Form (SIF) is located under Our Federation/Admissions. The admission arrangements are published under Key Info/Policies but under the St Bede's top heading there is a reference to an Admission Pack, but it is in fact the admission policy for St Bernadette Catholic Junior School for 2021/22. Paragraph 14 of the Code requires clarity.
- b. The arrangements refer to the intention "to admit 60 pupils to the Reception, Year 1 and Year 2 classes...." The Published Admission Number (PAN) applies only to the relevant year or years of entry to a school. In this case the only normal year of entry is the Reception Year. The school certainly does not admit up to a further 60 children into Years 1 and 2 which is what a PAN of 60 for those years would mean. Any admissions to other years are in-year admissions which means admission at the start of any school year to a year group which is not a normal point of entry for the school concerned (for example at the beginning of Year 2 for a five to eleven primary school) **and** admission during the course of any school year after the end of the statutory waiting list period (31 December) in normal years of admission. The relevant Code provisions are in paragraph 1.2.
- c. The section above includes information about the number of children to be admitted to the nursery and junior schools and refers to different years (September 2018 and the academic year 2020-2021). My jurisdiction in this case is for the arrangements for the infant school only as the request to vary the PAN is for that school only but, as the arrangements set out detail for the nursery and junior schools as well, it is not clear for parents. Paragraph 14 of the Code requires clarity.
- d. The definition of previously looked after children does not include "children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted." This is a mandatory provision of the Code as set out in paragraph 1.7.
- e. Oversubscription criterion 2 sets out "Baptised Catholic children, whose parents are residents of St Bede's parish, St Simon and St Jude's parish or are enrolled in the catechumenate" is not clear. If it means that the children are baptised and their parents, who live in the named parishes, are enrolled in the catechumenate, that meets the requirements of the Code but should be expressed more clearly. However, if it means that the children are either baptised or enrolled in the catechumenate, that is not clear and does not meet the requirements of the Code. A child enrolled in the catechumenate is preparing to be baptised in the faith and so is not yet of the faith. The Code does not permit such a child to have priority before looked after and previously looked after children who are not of the faith as provided in paragraph 1.37 of the Code.
- f. In the section on previously looked after children the reference, in oversubscription criteria 1 and 4, to "residence...order" should be replaced by "child arrangements order". Footnote 18 of the Code which is a footnote to paragraph 1.7 explains residence orders were replaced by child arrangements orders and paragraph 1.7 itself refers to child arrangements orders.

- g. The arrangements refer to the provisions which would be applied if PAN is reached within any of the oversubscription criterion categories. These are confusing as the numbering implies an order in which they will be applied but the third point refers to a possible increase in priority. This makes the arrangements not clear and possibly not objective and hence not in conformity with paragraphs 14 and 1.37 of the Code.
- h. Under 'Admissions Procedure', applicants are asked for two separate forms, one is the Common Application Form (CAF) which must be completed by all applicants and the other is the SIF. However, the SIF does not need to be completed by everyone as only applicants for faith-based criteria require the information requested. Paragraph 2.4 of the Code states that admission authorities "**must** only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria or for the purpose of selection by aptitude or ability." Information about the child's date of birth and evidence of address are included in the local authority's CAF. References to this issue appear in several places of the arrangements.
- i. The reference to a Statement of Special Educational Needs (SEN) should be replaced by the Education, Health and Care Plan (EHC plan). Paragraph 1.6 of the Code makes clear that it is an EHC plan and no longer a statement of SEN which is relevant.
- j. The reference to the waiting list should include the statement that children added to the list will require the list to be ranked again in line with the published oversubscription criteria. This is a requirement of paragraph 2.15.
- k. The information also requests a "recent (within the last 3 months) proof of address i.e.utility bill." However, this information is requested by the local authority as part of the CAF and does not, therefore, need to be requested by the governors as well. Paragraph 2.4 makes clear that only additional information needed to apply the arrangements can be requested.

Supplementary Information Form (SIF)

- l. The SIF contains requests for various information including proof of birth, proof of address and previous school which are included in the CAF and thus may not need to be included here.
- m. The oversubscription criteria states that the highest priority is given "to those who attend Mass weekly, then fortnightly etc." However, Parts 1 and 2 of the SIF refer to attendance at mass weekly or at least once a month. Statements should be consistent through the documentation.
- n. Part 2 includes a provision for the priest to "consider [whether] there are valid reasons for Mass attendance to be considered equivalent to weekly, because of illness or other reasons." The statement could be considered subjective and thus does not meet the provision in paragraph 14.
- o. The arrangements at oversubscription criteria 5 and 6 ask for evidence of baptism or reception into other denominations or faiths but the SIF makes no provision for that information in Part 3.

20. I have determined that these matters did not conform with the Code. The school has accepted that these matters did not so conform. They have committed to make the necessary changes to the arrangements and the Code requires that they do so.

21. There is a further point I wish to make. Admission authorities have a statutory duty to determine admission arrangements by 28 February in the determination year. Thus, the admission arrangements for admission in September 2022 should have been determined by 28 February 2021. The governing board determined the arrangements on 15 November 2021. This is well past the deadline for determination of arrangements and indeed within the period when parents are applying for places. It means that the determined arrangements could not have been published as required or provided to the local authority as required and that there was no scope for any person or body who wished to do so to make an objection to the arrangements. I recognise that, given that the school has been significantly undersubscribed in recent years, no harm may have been done but it remains important that the admission authority comply with its statutory duties.

Determination

22. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed reduction in the published admission number for 2022 determined by the governing board of St Bede's Catholic Infant and Nursery School, Lambeth.

23. I determine that for September 2022 the published admission number will be reduced from 60 to 30.

24. 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 ways set out in this determination.

25. 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: 26 May 2022

Signed:

Schools adjudicator: Lorraine Chapman