



Office of
the Schools
Adjudicator

Determination

Case references: VAR2342 and VAR2343

Admission authority: Surrey County Council for Meadowcroft Infant School, Chertsey and St Ann's Heath Junior School, Virginia Water

Date of decision: 17 July 2023

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by Surrey County Council for Meadowcroft Community Infant School and St Ann's Heath Junior School for September 2024 as described in this determination.

The referral

1. Surrey County Council (the local authority) referred proposals for variations to the admission arrangements for September 2024 (the arrangements) for Meadowcroft Community Infant School (the infant school) and St Ann's Heath Junior School (the junior school) to the adjudicator. The schools are community schools in the local authority's area. The infant school is for children aged four to seven and is located in Chertsey. The junior school is for children aged seven to eleven and located in Virginia Water.
2. The proposed variations are that sibling links between the two schools are removed, that the infant school is no longer named as a feeder school for the junior school and the published admission number (PAN) for the junior school is reduced from 90 to 60.

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) say (in so far as 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. Where the local authority is the admission authority for a community or voluntary controlled school, it **must** consult the governing body of the school before making any reference.

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

4. The local authority has provided me with confirmation that the appropriate bodies have been notified. I have seen confirmation that the infant and junior schools’ governing boards have been consulted on the proposed variations. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variations are within my jurisdiction.

5. In considering these matters I have had regard to all relevant legislation, and the Code. The information I have considered in reaching my decision includes:

- a. the referrals from the local authority dated 6 June 2023, supporting documents and further information provided at my request;
- b. the determined arrangements for 2024 and the proposed variations to those arrangements;
- c. comments on the proposed variations from the governing boards for the infant and junior schools;
- d. a map showing the location of the schools and other relevant schools; and
- e. information available on the websites of the local authority and the Department for Education.

The proposed variations

6. The proposed variations remove the links that currently exist between the two schools. I begin by setting out the nature of those links. I then describe the existing admission arrangements for both schools before moving on to explain the background to the proposed variations.

7. The infant school, together with Trumps Green Infant School (Trumps Green), is linked with the junior school. The link means the two infant schools are named feeder schools to the junior school. In other words, children at the two infant schools are given a

priority for admission to the junior school in its oversubscription criteria. In addition, the oversubscription criteria for the infant school also give a priority for admission to siblings of existing pupils at the junior school and vice versa. The PAN for the junior school is 90 and this allows the pupils at the infant school, with a PAN of 30, to be admitted to the junior school, together with those attending Trumps Green, which has a PAN of 60.

8. I have considered both variations together as they interrelate. The existing oversubscription criteria for the infant school are (in summary):

- 1) Looked after and previously looked after children
- 2) Children with an exceptional medical and/or social need to attend the school
- 3) Children of a member of staff
- 4) Children who are expected to have a sibling at the infant school or at the junior school at the time of the child's admission
- 5) Other children with those who live closest to the school having the highest priority.

9. The existing oversubscription criteria for the junior school are (in summary):

- 1) Looked after and previously looked after children
- 2) Children with an exceptional medical and/or social need to attend the school
- 3) Children of a member of staff
- 4) Children who are expected to have a sibling at the junior school, at the infant school or Trumps Green at the time of the child's admission
- 5) Children attending Trumps Green or Meadowcroft infant schools
- 6) Other children with those who live closest to the school having the highest priority.

10. I come now to the local authority's reasons for asking for the variations and the details of those variations. On 25 April 2023, the Cabinet Member for Education and Learning for the local authority determined that the infant school should extend its age range to become a school that provided for children aged four to eleven and thus educating the whole primary school age range. This change will start from September 2024 and will occur by the year 2 (Y2) children staying on at the school for year 3 (Y3) from September 2024, the Y3 children staying on for year 4 from September 2025 and so on. The current infant school would therefore cater for the whole primary age range from 2027.

11. The local authority anticipates that pupils will remain at the infant school as it extends from September 2024 and so wishes to end the link between the infant school and the junior school from that date. The proposed variations are therefore:

- 11.1. a change to the oversubscription criterion for the infant school so that those with a sibling attending the junior school do not have priority;
- 11.2. a change to the oversubscription criterion for the junior school so that those with a sibling attending the infant school do not have priority;
- 11.3. a change to the oversubscription criterion for the junior school so that those attending the infant school do not have priority; and
- 11.4. the reduction in the PAN for the junior school from 90 to 60.

12. Paragraph 3.6 of the Code (as above) requires that admission arrangements, once determined, may only be revised, that is changed or varied, if there is a major change of circumstance or certain other limited and specified circumstances. I will consider below whether the variations requested are justified by the change in circumstances.

Consideration of proposed variations

13. The local authority reasoned in its request for the variations that as the pupils at the infant school will be able to continue at the school until the end of year 6 there is no need for any link between the infant and junior schools or for the PAN for the junior school to allow for the admission of children from the infant school to Y3.

14. There is no formal consultation required for a variation and so parents and others do not usually have the opportunity to express their views. However, in this case, the local authority undertook a statutory process, which included consultation, in order to make its decisions regarding the infant school expanding to include the whole primary age range. The local authority told me that it also included the proposed changes when it consulted on its arrangements for 2024. The proposed changes were not made when the 2024 arrangements were determined as the decision regarding the infant school expanding to the full primary range had not been made when the arrangements were determined on 31 January 2023. The local authority said that no responses were received to the proposed removal of the links between the infant and the junior school and the reduction in the junior school's PAN, either in the initial consultation regarding the change to the infant school or to the consultation regarding the arrangements for 2024.

15. I am grateful to the governing boards for the infant and junior schools for sharing their views on the variations with me. The governing board for the infant school said that it would welcome the change as it expanded and that the change "could mean that some children will receive a lower priority for Meadowcroft than in the past but, based on historical admissions for the past three years, these children should still have gained a place and so will have minimal, if any, impact on who is offered a place." The governing board for the infant school said also that it would prefer there to be no link with the junior school as, if it remained, it "could impact the school negatively as it will perpetuate a link with St Ann's

Heath Junior when Meadowcroft is establishing itself as a primary school and may be seen to promote children moving on to St Ann's Heath rather than remaining at Meadowcroft.

16. The governing board for the junior school also supports the changes. It said that without the changes, the junior school risks having too few children for three classes to be economical and too many children for two classes to be educationally sound. The knowledge that there is likely to be no more than 60 pupils will allow the school to plan efficiently. The governing board also welcomed the prospect of working with only one school, Trumps Green, which would remain a linked school. I note that Trumps Green is within one mile of the junior school and the infant school is over three miles away from the junior school.

17. If I agreed the variations, the oversubscription criteria for the infant school would be, in summary:

- 1) Looked after and previously looked after children
- 2) Children with an exceptional medical and/or social need to attend the school
- 3) Children of a member of staff
- 4) Children who are expected to have a sibling at the infant school at the time of the child's admission
- 5) Other children with those who live closest to the school having the highest priority.

18. The oversubscription criteria for the junior school would be, in summary:

- 1) Looked after and previously looked after children
- 2) Children with an exceptional medical and/or social need to attend the school
- 3) Children of a member of staff
- 4) Children who are expected to have a sibling at the junior school, or Trumps Green at the time of the child's admission
- 5) Children attending Trumps Green
- 6) Other children with those who live closest to the school having the highest priority.

19. The changes requested are logical in the circumstances. However, I have also considered if any child would be unfairly disadvantaged by the changes. I considered the circumstances for a family with a child attending the infant school with a sibling already at the junior school. Under the old arrangements the younger child would move to the junior school so both children would be at the same school. Under the new arrangements the

expectation would be that the younger child would remain at the new primary school, so the two children would remain at different schools. Some families might prefer their children to attend the same school, which would have to be the junior school as the new primary school will not have any higher year groups in 2024. The arrangements in fact provide a high priority for a child with a sibling at the junior school, in fact higher than a child attending a feeder school. I was therefore assured a family with a child at the infant school, who wanted all their children to attend the junior school when of the relevant age, were unlikely to be frustrated in their preference.

20. The relative priorities given to siblings and those at the feeder schools in the circumstances here do create an alternative risk to the one I have dealt with above. Should some parents with older children at the junior school and a younger child at the infant school decide to take advantage of the sibling priority, then some children attending Trumps Green but without older siblings might be unable to gain admission to the junior school. Trumps Green has a PAN of 60 and the junior school would have a PAN of 60 and so therefore it is theoretically possible that not all Trumps Green children would gain admission if children from the infant school were admitted under the sibling priority. In consideration of this possibility, I note that the local authority has undertaken two consultations and no parents have commented. The local authority told me that the infant school's knowledge of the families concerned showed that there are two children at the infant school with siblings at the junior school who might seek admission at the junior school for 2024. It so happens that there are currently 58 children in Y1 at Trumps Green which would, with the two children at the infant school, reach the PAN of 60.

21. Obviously, some children not at either infant school might meet a higher criterion, which could take the numbers over 60 and so prevent a child at Trumps Green being admitted. However, the local authority told me that it did not expect all children at Trumps Green to move onto the junior school. There are, for example, 56 children currently in Y2 at Trumps Green and it is expected that 50 of these will be in Y3 at the junior school for September 2023 and there has been a similar pattern in previous years. Future numbers at Trumps Green show smaller year groups and so the risk I have outlined would be reduced again. The information provided to me shows that it is unlikely that any child in either the infant school or Trumps Green would not be able to be admitted to the junior school if that was the parental preference if the variations were agreed.

22. A junior school does not have to meet the requirements of the School Admissions (Infant Class Size) (England) Regulations 2012. This means that a junior school is not limited to 30 to a class. The local authority could, as admission authority admit more than 60 children to the junior school, although on the evidence I have seen this is unlikely to be necessary.

23. I have considered the reasons for the changes and find that the variations are justified by the change in circumstances and approve the proposed variations to the arrangements for 2024 that:

- 23.1. the section in the oversubscription criterion for the infant school, which gives priority for those with siblings attending the junior school, is removed;
- 23.2. the section in the oversubscription criterion for the junior school, which gives priority for siblings attending the infant school, is removed;
- 23.3. the section in the oversubscription criterion for the junior school, which gives priority to those attending the infant school, is removed; and
- 23.4. the PAN for the junior school is reduced to 60.

Determination

24. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by Surrey County Council for Meadowcroft Community Infant School and St Ann's Heath Junior School for September 2024 as described in this determination.

Dated: 17 July 2023

Signed:

Schools adjudicator: Deborah Pritchard