



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4126

Objector: The Governing Board of Tibberton Church of England Primary School

Admission authority: Telford and Wrekin Council for Tibberton Church of England Primary School

Date of decision: 4 October 2023

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2024 determined by Telford and Wrekin Council for Tibberton Church of England Primary School in Shropshire.

I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the 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. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the adjudicator by the governing board of Tibberton Church of England Primary School about the admission arrangements for September 2024 (the arrangements) for Tibberton Church of England Primary School, a primary school with a Church of England religious character for children aged 5-11. The objection relates to the published admission number (PAN).

2. The parties involved in this objection are:
 - a. the governing board of Tibberton Church of England Primary School which made the objection (the school);
 - b. Telford and Wrekin Council which is the local authority area in which the school is situated and the admission authority for the school (the local authority); and
 - c. the Diocese of Lichfield (the diocese) which is the religious body for the school.

Jurisdiction

3. These arrangements were determined under section 88C of the Act by the local authority. The school submitted its objection to these determined arrangements on 19 April 2023. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

Procedure

4. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).

5. The documents I have considered in reaching my decision include:
 - a. evidence that the arrangements were determined;
 - b. a copy of the determined arrangements;
 - c. the school's form of objection dated 19 April 2023;
 - d. the local authority's response to the objection;
 - e. the net capacity assessment for the school;
 - f. further information provided by the parties at my request or invitation; and
 - g. information available on the websites of the school, the local authority and the Department for Education (DfE)

The Objection

6. The local authority set the PAN for admission for reception (Year R) at 20, which is lower than the school wishes.

7. The school stated in its objection "We have approached the Local Authority regarding increasing the PAN, but have been unsuccessful in our requests. We feel that the physical size of the school and the need with growing housing developments nearby, both

mean we need to increase the PAN and can do so without any negative impact on the pupils or staff.”

8. Paragraph 1.3 of the Code says, “Community and voluntary controlled schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish.”

Background

9. The school is situated in Tibberton, a small village in Shropshire. Ofsted judged the school to be Outstanding in its report of March 2013. The school is part of the Tibberton CE Primary School and St Lawrence CE Primary School Federation. This federation contains two schools: the school and St Lawrence Church of England Voluntary Controlled Primary School (St Lawrence), with one headteacher and a single governing board. An objection regarding St Lawrence has been determined under case reference ADA4127.

10. During the course of considering the arrangements, further matters came to my attention which related to the local authority’s admission arrangements for schools other than either the school or St Lawrence. These matters have been considered in a separate determination, case reference REF4218.

11. The local authority determined the admission arrangements for all community and voluntary controlled schools in its area on 28 February 2023. In the event of oversubscription, after the admission of pupils with an Education, Health and Care Plan (EHCP), priority for places at the school is determined by application of the following criteria (in summary):

1. looked after and previously looked after children;
2. children who live in the school’s catchment area, prioritised thus:
 - a. children who have exceptional health reasons for needing to attend the school;
 - b. children who will have a sibling on roll at the school at the time of admission;
 - c. children in receipt of the early years pupil premium or pupil premium at the point of application; and
 - d. other children in the catchment area.
3. children from outside the school’s catchment area, prioritised thus:
 - a. children who have exceptional health reasons for needing to attend the school;

- b. children who will have a sibling on roll at the school at the time of admission;
- c. children in receipt of the early years pupil premium or pupil premium at the point of application;
- d. children of members of staff; and
- e. other children living outside the catchment area.

12. The current PAN of 20 means that if the school were full in all year groups it would have 140 children on roll.

13. The school stated in its objection: “We would like to increase our Reception and Key Stage 1 PAN in order to maximise our offer to pupils. We currently have a PAN of 20 in Reception, Year 1 and Year 2, and then a PAN of 30 in Years 3-6. This means we struggle to fill places in Key Stage 2 as we are very unlikely to pick up 10 new children in Year 3 on transfers.”

14. In order to consider this case, I must first address some apparent misunderstandings in the above statement. As stated in paragraph 1.2 of the Code the PAN applies only to the relevant age group, which is the age at which pupils will normally be admitted to the school. In the case of the school the PAN applies only to Year R. Following the school’s statement regarding this matter I sought clarity from the local authority who initially told me, “Tibberton’s PAN for its reception intake is 20. Up to an additional 10 places are available in-year across KS2 year groups.” When I questioned the local authority further they stated, “Admissions into Y3 or KS2 at Tibberton does [sic] not form part of our coordinated admissions scheme. Places are offered to in-year applicants in line with our in-year admissions and would all be offered if there were sufficient applications, subject to no prejudice to the provision of efficient education or efficient use of resources at the school.”

15. Although the local authority may choose to admit more children to KS2 year groups than to those in the early years and KS1, this does not mean that there is a PAN in operation other than that which applies to Year R. I will not, therefore, take into account the local authority’s approach to in-year admissions when determining this case. The numbers of children admitted to the school as in-year admissions are a matter to be guided by paragraph 1.4 of The Code which states, as far as is relevant here, “The PAN only applies to the relevant age group. This means that admission authorities may not refuse admission to other age groups on the grounds that they have already reached their PAN. They may, however, refuse admission where the admission of another child would prejudice the provision of efficient education or efficient use of resources.”

16. I pause to note some information regarding in-year admissions that has come to my attention in the course of my consideration of this case. The local authority told me that “One application was refused in the 2021/22 academic year for a Year 2 place at Tibberton.

The school had already reached PAN in this year group and due to mixed year classes to admit a further child would have resulted in future prejudice to those joining Year 1.”

17. As I have explained above, PAN applies only to Year R and therefore application of this to any other year group is not compliant with the Code. Also, where paragraph 1.4 of the Code allows admission authorities to refuse the admission of a child on the grounds of prejudice to the provision of efficient education or efficient use of resources, this relates to prejudice as regards pupils already attending the school rather than any potential prejudice to a possible child who may apply to join the school at some point in the future. It is not therefore appropriate for, say, a Year 2 child to be refused admission on the basis that this may prevent a Year 1 child from being admitted later.

Consideration of Case

18. The school's reasons for objecting to the PAN set by the local authority are, in summary:

1. The local authority's current approach of a PAN of 20 and admitting up to 30 children as in-year admissions into the KS2 year groups does not work in practice, especially as there is no infant school whose pupils generally enter the school in KS2.
2. The school buildings would accommodate a higher PAN.
3. A higher PAN would support the financial position of the school.
4. Parental demand for additional places exists.
5. Housing developments in the area may lead to an increase in demand.

19. The local authority's reasons for setting the PAN at 20 and refusing the school's request to increase this are, in summary:

1. The PAN has been set in line with the net capacity assessment for the school.
2. Local demand for places is low.
3. There are surplus places within the planning area.

20. For the purposes of considering the objection I made the potential increase of the PAN to 25, as proposed by the school, my focus. I considered:

- a. the physical capacity of the school buildings to accommodate a PAN of 25;
- b. the potential effects of a higher PAN on class organisation; and
- c. the demand for school places.

21. A PAN of 25 does not, of course, mean that the school would necessarily admit 25 children to every year group. In the first place, the PAN under consideration applies only to entry into the school in 2024, and in the second place the number admitted will depend upon parental preference and the numbers who apply for a place. In the event that the PAN was increased to 25 and this remained in place for seven years, and the school was fully subscribed over that period, the school may need to accommodate 175 children rather than 140. The school's wish for a higher PAN is part of its long-term strategy, and although my jurisdiction is only for the arrangements for 2024 it is reasonable to consider the longer-term implications. That said, PANs must be set annually and, following the necessary consultation as required by paragraph 1.3 of the Code, the PAN may be set at a lower level than a previous year in the future.

The physical capacity of the school buildings to accommodate a PAN of 25

22. The local authority told me "the PAN for Tibberton has been set in line with the net capacity assessment for the school". The DfE website "Get Information About Schools" (GIAS) lists the net capacity of the school as 180, which would accommodate the proposed higher PAN even if it was in operation for seven years and the school was fully subscribed. I asked the local authority why then they had stated that the PAN of 20 had been set in line with the net capacity assessment for the school.

23. In response the local authority supplied an updated net capacity assessment and stated "In May 2023, the local authority commissioned a review of the net capacity assessment (NCA) for Tibberton in response to the request from the school to change its PAN. The NCA identifies Tibberton as having a net capacity of 173. The school would therefore be overcapacity if it filled to its current model with 20 places in each KS1 year group and 30 places in each KS2 year group and should be reviewed down to 20 in each KS1 and 28 in each KS2 year group, in consultation with the school."

24. It seems that despite confirming that the only PAN in operation applies to Year R, the local authority continues to regard in-year admissions to KS2 as part of its consideration of what the PAN should be. As explained earlier, the local authority's approach to in-year admissions does not affect my consideration of this case.

25. I asked the local authority why the net capacity of the school has decreased (that is, from the previous figure which appears on GIAS to the figure in the assessment from May 2023). The local authority stated: "The net capacity of the school has increased from 143 to 173, from the previous assessment which took place in July 2019, taking into account the additional space provided by the addition of a demountable unit. My understanding is that Governors are responsible for updating information about their establishments on the GIAS website and LA staff are not permitted access." Whatever the details of this may be, as I have been supplied with the NCA from May 2023 I am satisfied that the net capacity of the school has been assessed as 173.

26. The numbers on roll in each year group at the school, as of September 2023, are shown in table 1 below.

Table 1: Numbers on roll at the school, September 2023

Year group	Number of pupils
Reception	21
Year 1	23
Year 2	18
Year 3	17
Year 4	20
Year 5	18
Year 6	20
Total	137

27. My jurisdiction is for the arrangements for 2024, and from the figures supplied to me it is clear that an increase of PAN to 25 for that year would have little impact on overall pupil numbers. If the school were fully subscribed in 2024 and 25 pupils admitted, and no other children joined or left the school before then, there would be 142 on roll compared to the current figure of 137. Year R is already above PAN, and the local authority as the admission authority for the school may refuse in-year applications to other year groups where the admission of another child would prejudice the provision of efficient education or efficient use of resources. I am satisfied that the physical capacity of the school buildings is such that the potential increased number of children in 2024 could be accommodated.

28. For the sake of completeness, I have also considered the long-term impact of the proposed PAN increase. As I have already noted, if the PAN were to remain at 25 for some years then, if the school were to be fully subscribed, the school may reach a position where it would need to accommodate 175 children. The figure of 175 is above the net capacity of 173 and it seems that the local authority may have interpreted this fact as one which would prevent the PAN being raised to 25.

29. The Code does not prevent admission authorities from admitting above PAN or above the net capacity for the school. Indeed, paragraph 1.4 of the Code allows admission authorities to increase a school's PAN without any consultation or need for permission to be sought from any other body, stating only "Admission authorities **must** notify their local authority of their intention to increase the school's PAN and reference to the change should be made on the school's website". I find no reason within the Code as to why an admission authority must be bound by the net capacity of a school when determining its PAN.

30. The DfE website "Explore Education statistics" provides the following definition: "A school is identified as at or in excess of capacity when their pupil number on roll is greater

than or equal to capacity. This does not mean the school is overcrowded. The reported capacity figure may not reflect the entirety of a school's physical space, and therefore in some cases the number of pupils on roll can be higher than the capacity figure, without the school being overcrowded." In my view this confirms that a school may have more pupils on roll than the number recorded in its net capacity assessment, and that the prospect of this is not in itself a reason for an increase in PAN to be refused.

31. I have found nothing in the Code or in DfE guidance that would prevent a PAN of 25 being accommodated in the school buildings, and no reasons for not increasing the PAN have been provided to me other than those related to the net capacity assessment for the school, which I have dealt with above. I am confident that the school has considered the physical capacity of the school buildings, as it has stated, "The Local Authority have stated that they do not believe the infrastructure of our school enables a larger PAN, however we do not agree. We have a new outdoor classroom [that is, a classroom of standard construction which is separate from the main building] which can accommodate a full class of 30-40 children" and "The increase of potentially 5 pupils per year group would not detrimentally impact upon those already at the school as the shared facilities, such as the playground and field, are large. We are confident that we can timetable facilities such as the dining hall to ensure that all children are catered for equitably and effectively." The school has also confirmed that a higher PAN would not require any building works or reorganisation.

The potential effects of a higher PAN on class organisation

32. The school has clearly considered the effects of an increased PAN and has provided me with illustrations of how classes could be organised in the event of a PAN increase, in which case they would move from the current structure of five classes to six. The school also told me "the school carries a small deficit budget going into this financial year (£4,000). Following our careful future planning and as agreed with Local Authority, we will get rid of this deficit by the next financial year. An increase to PAN 25 does not add to the current staffing cost". The school cited the financial benefits of an increased PAN as school funding is largely based on numbers on roll.

33. I asked the local authority whether there are any specific issues relating to the organisation of pupils and classes which would prevent a PAN of 25 from being in operation successfully. The local authority responded "There are 6 usable classrooms at the school so at least one mixed year class is required. The small classroom ... can only accommodate 23 children. The school will need to organise its classes to ensure that it delivers suitable education to every child and should aim to avoid mixed classes across the EYFS/KS1 and KS1/KS2 curriculum stages."

34. The local authority has not provided any explanation as to why the school should avoid mixed age classes across the different key stages, and I note that the current PAN would potentially result in 20 children in Year R, 40 in KS1 and 80 in KS2. Given the requirements of the infant class size regulations, and financial and building constraints which mean that single year group classes are not an option for the school, it is difficult to

understand how the local authority expects the school to adhere to its ideal of not mixing classes across the key stages.

35. The matter of class organisation is one for the school. Whether a school chooses to use mixed age classes, and how these are organised, is not a matter for the local authority. For example, the classes do not all need to be of the same or even similar sizes unless the school so wishes, and therefore even if there is a classroom which cannot accommodate more than 23 pupils this does not preclude an increase in PAN even in the longer term as this room could be used for a smaller class of pupils.

36. From the information provided to me the school is experienced in organising mixed age classes and does so in a flexible manner to respond to the needs of the pupils on roll and taking account of the School Admissions (Infant Class Sizes) (England) Regulations 2012. As mixed age classes are already in operation, parents apply for places in the full knowledge that they are used. Indeed a PAN of 25 may, from the school's illustrations, result in less mixing of year groups than is currently the case. If the PAN were to be increased the effects on class organisation would be minor and the creation of an extra class, in the existing buildings, would enable the changes necessary.

The demand for school places

37. The school stated "If the demand for places is there- which it is as this year we had 39 places requested for our 20 place Reception class, then we believe we should be able to provide places for as many as possible" and "We had more applications from parents at both schools [the school and St Lawrence] than the PANs for entry to Reception in September 2023" and "At Tibberton, we are contacted by parents every week asking if we have places available to transfer their children in to our school."

38. The local authority stated, "The demand for places at each school [the school and St Lawrence] is what is limiting the number of children on roll at both schools, rather than their PANS – there are often vacancies in all year groups across the school" and "local demand for school places at Tibberton is low, with only 37% of children on roll at the school at January Census 2023 residing within the school's catchment area. In the Newport planning area, there are sufficient places in all year groups, with an overall surplus of 10.5%. Similarly, primary pupil numbers in the Newport planning area have been decreasing since 2020/21 and are anticipated to fall further up to 2025/26."

39. I will first address the local authority's assertion that there are often vacancies in all year groups. The data in table 1 shows that, if the current PAN of 20 is used as the indicator of a year group being "full", the only year groups with vacancies are Year 2, Year 3 and Year 5, and that the total number of vacancies across those year groups is seven. The data also shows that there are more children than the current PAN in both Year R and Year 1. Further to this, a PAN of 20 would, if the school were fully subscribed each year, result in a total of 140 children on roll; this is three more than the current figure. I therefore do not accept that current vacancies at the school are a significant indicator that demand for

places is low especially as it seems that, as I addressed earlier, children may have been erroneously denied places as in-year admissions.

40. I will now address the local authority’s concern that demand for places comes from outside of the school’s catchment area. It may well be the case that there is insufficient demand within the catchment area to support a higher PAN, but admissions to the school are not restricted to children in the catchment area. There is no reason why the school should not admit from the wider area. Parents may choose to apply for any school for their child irrespective of where they live, and this right is encapsulated in paragraph 15 of the Code which states, as far as is relevant here: “Parents are able to express a preference for at least three schools. The application can include schools outside the local authority where the child lives: a parent can apply for a place for their child at any state-funded school in any area”.

41. The local authority provided the data in table 2, which shows the demand for places at the school over each of the last three years and the number of offers made on national offer day.

Table 2: Demand for places at the school

Year of admission	First preference	Second Preference	Third preference	Offers	Admitted
2021	19	15	4	19	20
2022	21	4	2	20	22
2023	21	8	3	20	21

42. I note that not only have first preference applications for the school exceeded the current PAN in each of the last two years, but also that in 2022 and 2023 the number of children admitted to a place at the school was above the current PAN. This data indicates a healthy level of parental demand for the school.

43. The local authority also supplied the information in table 3, which shows the application of the oversubscription criteria for offers on national offer day in both 2022 and 2023.

Table 3: The application of oversubscription criteria in 2022 and 2023

Oversubscription Criterion	2022 offers	2023 offers
In catchment with sibling	3	5
In catchment	10	9

Oversubscription Criterion	2022 offers	2023 offers
Outside catchment with sibling	5	4
Distance only	2	2
Total	20	20

44. It is important to note that a catchment area serves only as a mechanism by which places at the school can be prioritised, and no admission authority has the right to restrict access to places to those residing within a particular location. This is set out in paragraph 1.14 of the Code which states: “Catchment areas do not prevent parents who live outside the catchment of a particular school from expressing a preference for the school.” That being said, the data in table 3 shows that in 2022, 65 per cent of successful applicants did reside in the school’s catchment area, and that for 2023 this figure was 70 per cent. I do not accept the local authority’s argument that local demand is such that it would provide a valid reason for not agreeing to increase the PAN, and this is for two reasons. First, the majority of demand is from within the catchment area. Secondly, refusing to agree a PAN increase which would benefit residents in catchment because it might also have the effect of benefiting applicants not resident in catchment, is not a reasonable justification and appears to be in direct contradiction of the fundamental principles of parental preference.

45. The local authority’s final point regarding demand for places is in relation to surplus places in the planning area, and I must consider whether this is an appropriate factor to take into account when determining the objection to the current PAN for the school.

46. Planning areas are administrative constructs for local authority school place planning purposes and parents can apply for schools wherever they wish as suits their situation. The most convenient or desired school for any given family may not be in the planning area which has been assigned by the local authority. It is possible that as a result of the PAN being increased at the school, other schools in the area would admit fewer pupils. Also, the local authority has forecasted a fall in births and pupil numbers in the planning area, which would result in fewer school places being required overall. Although I have sympathy with the local authority’s position and its concern for neighbouring schools, I must balance those concerns against the fact that the demand for places at the school exceeds the number of places available. It is important to note that the numbers involved are such that any impact on other schools is likely to be minimal; there are seven other schools in the planning area, and the proposed PAN increase for the school is only five pupils. Ultimately, the PANs set for other schools are a matter for the admission authorities of those schools; the importance of parental preference must not be ignored. I do not accept that the matter of surplus places in other schools within the planning area is one which should prevent an increase in PAN at the school.

47. It is not possible to be entirely confident that demand for 2024 will continue to be as high as in previous years, or indeed to guarantee that a PAN of 25 would result in 25 children being admitted to the school in 2024. However, no factors have been suggested to me that are specific to the school which would cause demand to fall in 2024. Further, it is for the school to deal with any impact of being undersubscribed if this were to be the case and it is the school that wishes for the PAN to be increased.

48. I am satisfied that demand for places at the school is such that an increase in PAN to 25 would be justified.

Conclusion

49. Taking all the factors into consideration I conclude that:

- a. the school buildings could accommodate a PAN of 25 for admissions in 2024 and there is sufficient space to accommodate the 175 children who could potentially be admitted by a PAN of 25 year on year;
- b. classes could be organised in Year R under a structure which could accommodate a PAN of 25 for admissions in 2024 and in other year groups to accommodate the 175 children who could potentially be admitted by a PAN of 25 year on year;
- c. the school is not oversubscribed by applicants who live in the catchment area, but there may be sufficient demand from applicants who live outside the catchment area to justify a PAN of 25; and
- d. if the school admits more pupils this will result in more income for the school as most school funding is awarded on the basis of pupil numbers, and this will be of benefit to the school.

50. Paragraph 1.3 of the Code says, “Community and voluntary controlled schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish. There is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator must have regard when considering any such objection.” If the governing board wishes the PAN to be higher, I must have regard to the presumption in favour of an increase in the PAN stated as a requirement in the Code. I find that the local authority’s reasons for denying an increase to the PAN do not justify frustrating parental preferences in 2024. I therefore uphold the objection.

Other Matters

51. As I considered the arrangements, a number of other matters came to my attention which appeared not to comply with the Code.

52. Paragraph 2.6 of the Code requires that: “All children whose Education, Health and Care Plan [EHCP] names the school **must** be admitted”. The arrangements do not meet

this requirement as they state, on page 19: “The admission of children with an Educational Health & Care Plan (EHCP) will be in accordance with parental preference as far as is possible and will be agreed between the parent/guardian, the school, and the local authority”. This appears to describe the process of naming a school on an EHCP, which is separate to the admission process. In admission arrangements, once the school is named on an EHCP, it must admit the child, and the arrangements must say this.

53. Oversubscription criterion 3d) prioritises admission to the children of staff as is allowed for under paragraph 1.39 of the Code. However, this criterion does not comply with paragraph 1.40 of the Code which states that: “Admission authorities **must** specify in their arrangements how this priority will be applied, for example, which groups of staff it will apply to”. The arrangements refer to vacancies for which there is a demonstrable skill shortage with no detail given of how this skill shortage will be established; members of staff would be unable to understand from the arrangements whether this criterion would apply to them, and so the arrangements will need to be revised so that they are clear as to how priority under this oversubscription criterion is established.

54. The arrangements direct parents to an interactive map on the local authority’s website into which they can enter their address and receive a list of the schools nearest to the input address. Whilst this tool appears useful, paragraph 1.14 of the Code states that “Catchment areas **must** be designed so that they are reasonable and clearly defined”. The interactive map does not provide the facility for parents to be able to view the catchment area for the school and it is therefore not clearly defined. When first considering the arrangements I noted that the interactive map page may have also been unclear for parents in that it appeared to only have catchment area information for 2020 and 2021 and it was not clear that the 2021 map might be relevant for entry after 2021, if that was what the local authority intended. I see from the local authority website that this has since been amended; I am grateful to the local authority for its cooperation in this matter.

55. The Code extends the right to parents to choose whether their child should attend school part-time under the circumstances covered by paragraph 2.17. This paragraph does not state that parents are expected to request permission or seek agreement for part-time attendance from the school. This is something parents have a right to insist upon. The arrangements state, on page 6, that: “Parents/guardians may defer entry to school until later in the academic year or until a child reaches compulsory school age (the beginning of the term after their 5th birthday) or may request for their child to attend part-time”. The use of the word ‘request’ in the arrangements (defined as the act or an instance of asking for something) implies that the local authority has something to decide in this circumstance and to grant if it so chooses. The arrangements mis-state the requirement in paragraph 2.17 of the Code that parents are entitled to have their child admitted on a part-time basis, and will need to be revised in order to state the requirement correctly.

56. The arrangements state, on page 25, that: “For over-subscribed community and voluntary controlled schools, a waiting list system will be operated by the School Admissions Team... A child’s name will normally be kept on the list until the end of the academic year in which he/she is due to start school.” As a result of the use of the word

“normally”, the arrangements are unclear as to the circumstances when a child’s name will be placed on the waiting list and the circumstances where it will not. This renders the arrangements unclear contrary to the requirements of paragraph 14 of the Code, and this aspect of the arrangements will therefore need to be revised.

57. The arrangements relating to in-year admissions state, on page 11: “Once the school’s planned admission number has been reached a school should not normally admit above that published number, unless the school and the local authority agree that an additional admission will not adversely affect the school in the longer term and will not have a detrimental effect upon neighbouring schools. In some circumstances, for example a request to admit a child who is looked after by a local authority, Telford & Wrekin would support an admission above the published admission number.” The arrangements do not comply with the Code, including with the requirements of paragraph 14 that “Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated” in that:

- this is the first time that the term ‘planned admission number’ is used, where ‘published admission number’ is used elsewhere. It is likely not to be clear that these two phrases refer to the PAN (where that applies to the next point);
- it is not clear that PAN relates only to the normal year of entry and not to other year groups covered by this part of the arrangements;
- it is not clear what “will not have a detrimental effect upon neighbouring schools” means in this context or why parents need to know this information;
- the Code requires that refusal to admit is only permitted where the admission of another child would prejudice the provision of efficient education or efficient use of resources (paragraphs 1.4 and 2.28). It is not clear what “will adversely affect the school in the longer term” means; and
- in considering the impact on neighbouring schools when deciding upon in-year admissions the arrangements do not comply with the requirements of paragraphs 1.4 and 2.28 of the Code.

For these reasons, the arrangements do not comply with the requirements of paragraphs 1.4 and 2.28 of the Code. The sentence I have quoted at the beginning of this paragraph will therefore need to be revised.

Determination

58. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2024 determined by Telford and Wrekin Council for Tibberton Church of England Primary School in Shropshire.

59. I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

60. 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: 4 October 2023

Signed:

Schools Adjudicator: Jennifer Gamble