

DETERMINATION

Case reference: ADA/1703

Objector: a group of qualified parents

Admission Authority: the governing body of St Peter's Catholic High School, Wigan

Date of decision: 26 November 2009

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection lodged by a group of qualified parents.

I determine that for September 2010 the admission number for St Peter's Catholic High School Wigan shall be as determined by the governing body.

The referral

1. A group of qualified parents (the objectors) has referred an objection to the Adjudicator about the admission arrangements (the arrangements) made by the governing body of St Peter's Catholic High School, Wigan (the school) for admissions in 2010 with particular regard to a decision to reduce the school's admission number.

Jurisdiction

2. These arrangements were determined as required by the School Standards and Framework Act 1998 (the Act) and the School Admissions (Admissions Arrangements) (England) Regulations 2008 (the Regulations) by the governing body, which is the admission authority for the school. The objectors submitted their objections in accordance with section 88H of the Act and the Regulations. I am satisfied that this objection has been properly referred to me in accordance with section 88H of the Act, and that it falls within my jurisdiction.

Procedure

3. In coming to my conclusions I have had full regard to the Act and Regulations made thereunder, the Schools Admissions Code (the Code) and all the evidence presented so far as it is relevant to the objection. I have also had regard to the relevant provisions of the Sex Discrimination Act 1975; the Race Relations Act 1976; the Disability Discrimination Act 1995; and the Human Rights Act 1998.

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

- The statement of objection submitted by the objector on 24 July 2009
- The comments submitted on the objection on behalf of the governors on 15 and 30 September 2009 and supporting documents, including Net Capacity Assessments dated 7 March 2008 and 15 September 2009
- The comments on the objection submitted on 30 September 2009 on behalf of the Wigan Council
- The comments submitted on 16 November 2009 on behalf of the Archdiocese of Liverpool
- Maps of the area showing the relevant schools

5. On 20 November 2009 I visited the school to see for myself the physical lay-out of the buildings and the practical issues relating, among other things, to the safe movement of students around the site and buildings.

The objection

6. The objectors challenge the governors' decision to set an admission number lower than that indicated by the assessed capacity of the accommodation. In support of their objection they make the following points.

- a. The school may not be able to accommodate all applications from families living in the parishes designated in the school's admission arrangements.
- b. This, combined with the distance tie-breaker used when the school is over-subscribed in any one category of applicant, unfairly disadvantages families living in the parish of St Marie's, Standish.
- c. This unnecessarily and unreasonably restricts parental choice, as the assessed capacity of the school indicates that it can accommodate between 193 and 214 pupils. It is acknowledged that the minimum will reduce to 184 when the planned removal of temporary classrooms is implemented at the end of the Autumn term 2009.
- d. The school's admission number does not take account of the relevant Local Authority's policy that school admission numbers should be set to reflect, as a minimum, the Net Capacity Assessment of the school buildings.
- e. The school's arguments regarding the adverse impact of what it regards as excessive pupil numbers and consequent prejudice to efficient use of resources are belied by the school's success as reflected in examination results and Ofsted judgements.

- f. Recent decisions regarding the organisation of RC secondary school places in the area will lead to greater demand for places at schools such as St Peter's. The governors should be responding more positively to help meet the undertakings given by the Archdiocese to the effect that remaining RC secondary schools would be resourced "to enable sufficient staff and accommodation to provide an excellent curriculum and support quality teaching and learning opportunities for the children of the area."

Comments from the Local Authority

7. The Local Authority has provided useful background information regarding local consideration of the wider school planning and admissions issues, including the factors taken into account by the Schools Admission Forum and the Local Authority in deciding not to object to the school's proposed admission number.

8. It nonetheless supports the parents' objection and makes the following points in support of this position.

- a. Artificially low admission numbers unnecessarily limit parental choice and adversely affect other popular schools whose own accommodation is under pressure.
- b. It is not possible to sustain a credible case at an Admission Appeal hearing that the admission of additional children will give rise to prejudice to the efficient use of resources.

Comments by the Archdiocese of Liverpool

9. The representative of the Archdiocese of Liverpool advises that some of the temporary accommodation has been taken out of use and that it is anticipated that it will be removed when funds allow.

School's Response

10. Although the numbers on roll in the years seven to eleven currently ranges between 176 and 198, the governors have concluded that the maximum number in each year group should be 178, believing that every student admitted beyond that number represents a prejudice to the health and safety of the students, and to the provision of education. They make the following points in support of this view.

- a. The school has inadequate space for play and circulation around the school. Narrow staircases and restricted lobby spaces are a particular source of concern.

- b. Traffic congestion in the streets around the school is significant and puts pupils at risk. This is exacerbated by additional numbers, especially in view of the numbers of students being brought to school by car.
- c. The size of classrooms is limited with many accommodating fewer than 30 students. Class rooms are often over-crowded.
- d. Ancillary accommodation, including dining facilities and toilets under significant pressure.
- e. The school site is inadequate for the number of students on roll.
- f. The temporary accommodation currently on the site gives a false impression of the school's capacity. It is due to be removed, and does not assist with the pressure on space in circulation and ancillary areas mentioned above.
- g. The school is deficient in specialist accommodation, especially for science, technology, physical education, drama, dance, art, geography and history.
- h. The pressure on accommodation makes for particular difficulties in accommodating form groups of a reasonable size and examinations, and in meeting the needs of the significant proportion of students with special educational needs.
- i. A school population of 940 students operating in cramped conditions caused by these factors is not conducive to good discipline and has led to some discipline problems.

Consideration of Factors and Conclusion

11. On 15 September this year the Net Capacity Assessment for the school was revised to take account of the steps taken by the school to take out of use some of the temporary accommodation provided to enable the school to admit additional pupils when a neighbouring school closed. The revised assessment of capacity is in the range 894 to 994. This compares with a range of 920 to 1023 places which applied when the capacity was assessed in March 2008. Had the revised assessment been in place when the governors determined their admission arrangements for 2010, they would have been in a position to set an admission number of 178 without publishing a notice to that effect. I have taken this revised assessment into account.

12. It can be argued that the availability of the temporary accommodation makes it possible for the school to admit additional pupils and that, for the reasons set out by the objectors, it should do so. I have considered this possibility and the positive effect it would have in respect of enhancing parental choice in particular. I have, however, concluded that this would not be appropriate for the following reasons:

- a. The temporary accommodation, whilst of a good quality, is not ideal and should not be relied upon in the longer term. The school and the archdiocesan authorities intend that it should be removed, although this will not happen for at least a year.
- b. Temporary accommodation takes up valuable outdoor space. There is pressure on outdoor circulation and play space at this school. This will be eased when the temporary accommodation is removed, as planned. It would be inappropriate to perpetuate its use.
- c. Whilst temporary accommodation is useful for dealing with short term increases in pupil numbers, it brings with it other problems, most significantly pressure on the infrastructure of the site, including circulation, dining, toilets and social spaces.
- d. The internal lay-out of the school includes some narrow corridors and stair cases. Whilst student behaviour is good and supervision arrangements effective, this creates the potential for risk.
- e. The school's specialist accommodation is limited and some of the classrooms are relatively small, placing real constraints on the organisation of the curriculum and timetable.

13. I have concluded that the governors are right to seek, as far as possible, to align pupil numbers with the permanent accommodation of the school. I therefore do not support the objection. I observe, however, that the school's oversubscription criteria which take account of parish boundaries and distance are likely to disadvantage families living in the parish of St Marie's when the school is oversubscribed with applications from within its named parishes. The governors of the school to consider the fairness of this situation in the light of the requirements of the Code when making its arrangements for 2011 and subsequent years.

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection lodged by a group of qualified parents.

I determine that for September 2010 the admission number for St Peter's Catholic High School Wigan shall be as determined by the governing body.

Date: 26 November 2009

Signed:

School Adjudicator: Andrew Baxter