



DETERMINATION

Case reference: VAR637
Admission Authority: Kent County Council
Date of decision: 11 July 2014

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Kent County Council for Ospringe CE Primary School.

I determine that for admissions in September 2015 the admission number shall be 30.

The referral

1. Kent County Council, (the local authority,) (the LA) has referred a variation to the adjudicator about the admission arrangements (the arrangements) for Ospringe CE Primary School (the school), a voluntary controlled primary school for pupils aged 4 to 11 years, for September 2015.
2. The request is that the admission number for September 2015 should be reduced from 45 to 30.

Jurisdiction

3. 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”.

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

Procedure

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

6. The documents I have considered in reaching my decision include:
- a) the LA's letter of referral of 23 June 2014;
 - b) the request for an in-year variation form dated 23 June 2014;
 - c) the public notice of revocation in which the LA proposes to be relieved of the duty to implement the statutory proposals to extend the school dated 7 March 2014;
 - d) the determined arrangements for the LA's community and voluntary controlled primary schools for admission in September 2015;
 - e) minutes of the LA's decision to revoke the original plans to expand of the school taken on 21 May 2014;
 - f) a map showing the local primary schools;
 - g) the outcomes of the consultation; and
 - h) letters from the school and the diocese confirming that they agree with the variation both dated 27 June 2014.

Background and consideration of factors

7. The school is a voluntary controlled Church of England primary; the LA is the admission authority and therefore determines the arrangements for the school.

8. In 2013 the LA and the school agreed a building programme which would extend the school and increase its capacity from September 2014. This proposal was published on 7 July 2013. In anticipation of the planning permission agreement the proposed admission arrangements for September 2014 included an increase in the published admission number (PAN) from 30 to 40 and these arrangements were determined and published in accordance with the Code. Within the plans was the expectation that there would be a further increase in PAN to 45 in September 2015. A temporary increase up to this figure for intake in September 2014 was agreed by the governors of the school at the request of the LA. This increase was to ensure that sufficient places were available for families applying for a place at a local school.

9. The arrangements for admission in September 2015 were published on the website prior to 1 May 2014 as required by paragraph 1.47 of the Code. The PAN was increased from 40 to 45. There are currently 217 children on roll in the school which has a capacity assessment calculated at 250.

10. The LA and the school agreed to increase the PAN as there was existing capacity within the school which would partially accommodate an increase in numbers. The agreed policy was then to extend the school by building four permanent classrooms and to raise the PAN to 45 from

September 2015. A feasibility study was carried out, funding was secured and plans for the new building drawn up. During the consultation period the Highways Authority objected to the plans citing the width of the road adjoining the school which is constrained by historic buildings on either side and said that *“additional traffic attracted by the school will exacerbate the congestion in this location, and lead to a further reduction in air quality through this sensitive area.”*

11. The LA made the decision not to proceed with the new buildings following this objection. They proposed to revoke the statutory proposal for the extension which had been published on 7 July 2013 and suggested that the PAN for the school returned to 30 for admissions in September 2014. However, as the school had already agreed to admit up to 45 pupils for entry into the reception year in September 2014 the decision was made to request a variation from September 2015. The variation request is for a reduction to PAN for admissions in September 2015 from the published figure of 45 to the original figure of 30.

12. In order to accommodate the short term increase in numbers the LA has provided two temporary classrooms on the site and additional funding to the school while the classrooms are in place. The school is aware that this funding will cease when the classrooms are no longer needed and that at that time, probably during the school year 2015/16, there will be a need to reduce staff.

13. Projected admission numbers for the next three years suggest that a PAN of 30 for the school will be sufficient for demand. The LA is currently investigating alternative plans to accommodate the overall projected increase in demand in the area.

14. The LA has consulted on this proposal to be relieved of the duty to implement the statutory proposals to extend the school. All local schools and admission authorities in the area and neighbouring local authorities were contacted by the LA with details of the proposed variation in line with paragraph 3.6 of the Code which states that appropriate bodies must be notified. The “appropriate bodies” are detailed in paragraph 1.44 c, d and f of the Code.

15. The consultation ran from 7 March 2014 to the 4 April 2014. Two responses were received as a result of the consultation. One parent with a child already at the school and another who will start at the school in September 2015 describes how difficult it is to access the school because of traffic with many cars mounting the pavement outside the school in order to pass each other. Her main objection is that the Highways Authority has not suggested any alternative means of alleviating this situation. The second communication is from the headteacher of a local primary school who is pleased that the school will not expand and who expresses concern at its temporary increase in PAN for September 2014. He suggests that his own school which has a PAN of 15, will be undersubscribed.

16. I agree with the LA that the decision not to proceed with the planned extension of the school constitutes a major change in circumstances and that the variation would address the problems arising from this change in circumstances.

17. The school and the diocese have confirmed in writing that they are in full agreement with the variation proposal. These letters were both dated 27 June 2014.

Conclusion

18. I have concluded that the variation which the council has requested is necessary to support the effective running of the school without an expansion programme. It is necessary to reduce the PAN in order to maintain an appropriate number of children in the school.

19. The council hoped to provide new accommodation which would have increased capacity in the school and admission arrangements were planned with that expectation. The withdrawal of the planning proposal has meant that this expansion will not now go ahead. This therefore constitutes a major change in circumstances as outlined in paragraph 3.6 of the Code.

Determination

20. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Kent County Council for Ospringe CE Primary School.

21. I determine that for admissions in September 2015 the admission number shall be 30.

Dated: 11 July 2014

Signed:

Schools Adjudicator: Mrs Ann Talboys