



## **DETERMINATION**

**Case reference: VAR667**

**Admission Authority: St Helens Council for Robins Lane Primary School**

**Date of decision: 3 August 2015**

### **Determination**

**In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by St Helens Council for Robins Lane Primary School for September 2016.**

**I determine that for admissions in September 2016 the published admission number shall be 30.**

### **The referral**

1. St Helens Council, the local authority and admission authority for Robins Lane Primary School (the school) has referred a variation to the Adjudicator about the admission arrangements for the school, a community school for pupils aged 3-11 years for September 2016. The variation requested is to reduce the published admission number (PAN) of the school from 45 to 30 as the expansion of the school will not proceed as planned.

### **Jurisdiction**

2. 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”.

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

## **Procedure**

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

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

a. the local authority's letter of referral of 1 July 2015 and supporting documents;

b. the determined arrangements for 2016/2017 and the proposed variation to those arrangements;

c. a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2015;

d. documents relating to the proposal to expand the school, downloaded from the internet; and

e. a copy of the letter notifying the appropriate bodies about the proposed variation.

## **Background and consideration of factors**

5. The school is in the local authority's Sutton and Bold planning area, where it reports additional school places are needed. As part of the plan to provide more pupil places in the area, the school agreed to increase the PAN temporarily for September 2015; however building work would need to be done at the school to increase its capacity permanently.

6. The local authority published in March 2015, a proposal to enlarge the school from 1 September 2016. This proposal was in the form required by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. Consultation on the admission arrangements for 2016 included the permanent increase to 45 of the PAN of the school. The school's governing body asked for the consultation on the expansion of the school to be extended beyond 15 April (the deadline for determining admission arrangements).

7. During this period of consultation, the local authority determined the admission arrangements for September 2016 on 14 April 2015 as it is required by regulation 17 of the School Admissions (Admissions Arrangements and Coordination of Admission Arrangements) (England) Regulations 2012 and paragraph 1.46 of the Code to determine arrangements by 15 April. The local authority determined the arrangements for the school to have a PAN of 45 even though the consultation about expansion was on going.

8. During the consultation, concerns were identified about safe access to the school if the number of pupils was increased; consequently the local authority decided not to proceed with the expansion work. There will not, therefore, be

the accommodation in the school to provide places for 45 pupils in each year group as was intended and the local authority has provided information to show the school will not have space to admit 45 children in September 2016.

9. The local authority wrote to the parties required notifying them of this request for variation, saying, "*There was an oversight in the preparation of the Delegated Executive Decision on the 2016 Determined Admission Arrangements and the determined admission arrangements were approved with an incorrect PAN of 45*". No responses have been reported. The school's governing body's premises committee met on 29 June 2015 and approved the local authority's decision to apply for this variation.

10. I consider that the decrease the PAN to 30 is necessary to respond to the decision not to proceed with the expansion of the school. I find that the appropriate procedures were followed and the relevant parties notified. The school will not have the space to admit 45 pupils as was intended by the expansion proposal. I am satisfied that the proposed variation addresses the circumstances described.

### **Conclusion**

11. The local authority set admission arrangements in advance of the completion of the consultation about expanding the school. As it has decided not to proceed with this expansion I consider it necessary to reduce the PAN to 30 and therefore approve the requested variation.

### **Determination**

12. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by St Helens Council for Robins Lane Primary School for September 2016.

13. I determine that for admissions in September 2016 the published admission number shall be 30.

Dated: 3 August 2015

Signed:

Schools Adjudicator: Miss J Pullen