



DETERMINATION

Case reference: VAR712

Admission Authority: Stratton Primary School, Cornwall

Date of decision: 7 June 2017

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the governing body for Stratton Primary School. The variation is to decrease the published admission number from 60 to 46. I determine that for admissions in September 2017 the published admission number shall be 46.

The referral

1. The governing body of Stratton Primary School (the school), a foundation school for children aged 4 to 11 years, which is the admission authority, has referred a variation to the Adjudicator about the admission arrangements (the arrangements) for the school for September 2017. The variation that has been requested is to decrease the published admission number (PAN) from 60 to 46 for the reception year (YR) in September 2017. This change is sought as circumstances have changed since the admission arrangements were determined as building works needed have not received planning permission as expected.

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”.*

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

Procedure

4. In considering this matter I have had regard to all relevant legislation, guidance and the School Admissions Code (the Code).
5. The documents I have considered in reaching my decision include:
 - a. the request for an in-year variation for admissions to YR in September 2017 by the governing body, submitted on its behalf by Cornwall Council, the local authority, and associated documents;
 - b. the determined arrangements for the school for admission in September 2017;
 - c. documentation showing notification of the proposed variation;
 - d. a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2017; and
 - e. additional information from the local authority regarding the proposed expansion scheme at Stratton School.

Background and consideration of factors

6. The school is a foundation school and has a foundation – namely, the Bude Communities' Schools' Trust - and, therefore, the governing body is the admission authority. Following consultation, the governing body determined the admission arrangements for September 2017 in February 2016. The arrangements included a PAN of 60 which represented an increase from the previously existing PAN of 45. The arrangements for admissions in September 2017 were published on the school's website. They were also contained in the local authority's Starting School, September 2017 booklet.
7. An expansion scheme had been proposed for the school to accommodate the increased PAN and details of the proposals for planning permission were duly submitted. However, in March 2017, the local authority was served an early warning notice by its consultants commissioned to develop the expansion scheme. The notice set out a number of concerns about travel arrangements for the school. Following a review of existing travel arrangements including travel survey data; a traffic count; and consultation with local residents, it was concluded that planning permission for the proposed expansion was likely to be refused. Given the rural setting of the school and a high percentage of parents driving to the school, the travel plan could not demonstrate how vehicle numbers could be significantly reduced with the proposed expansion adding potentially 45-50 more vehicles. Against, this background, the governing body reviewed the suitability of a PAN of 60. The decision to apply for a change in PAN from 60 to 46 was taken by the governors on 7 April 2017 following information about the status of the proposed building.
8. The school may have wished to return to its previous PAN of 45 but it received 46 applications listing the school as first preference. The school's application to reduce its PAN was received shortly before the National Offer Day so the school's proposal to reduce the PAN to 46 was to ensure that places could be offered to all 46 children.

9. The Code sets out in paragraph 3.6:

*“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.”*

10. Paragraph 3.7 sets out:

*“Admission authorities **must** notify the appropriate bodies of all variations and **must** display a copy of the full varied admission arrangements on their website until they are replaced by different admission arrangements.”*

11. The appropriate bodies are set out in footnote 61 of paragraph 3.6:

“In addition to the bodies listed at paragraph 1.44 (c), (d) and (f) and so far as not covered by them, all governing bodies for community and voluntary controlled schools in the relevant area.”

12. Paragraph 1.44 sets out:

*“c) all other admission authorities within the relevant area (except that primary schools need not consult secondary schools);
d) whichever of the governing body and the local authority who are not the admission authority; and
f) in the case of schools designated with a religious character, the body or person representing the religion or religious denomination.”*

13. All schools in the Bude area have been contacted by the school with details of the proposed variation.

14. I agree that, without the expansion scheme, the school cannot accommodate 60 children in YR in September 2017. Planning permission has not been granted for the additional accommodation needed for a PAN of 60 and this constitutes a major change in circumstances and the variation addresses the problems arising from this change in circumstances.

Conclusion

15. I have concluded that the variation which the school has requested is necessary to support the effective running of the school with its current accommodation. It is necessary to reduce the PAN in order to maintain an appropriate number of children in the school.

Determination

16. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by

the governing body for Stratton Primary School.

17. The variation is to decrease the published admission number from 60 to 46. I determine that for admissions in September 2017 the published admission number shall be 46.

Dated: 7 June 2017

Signed:

Schools Adjudicator: Mrs Lorraine Chapman