

DETERMINATION

Case reference: VAR000584

Admission Authority: Devon County Council

Date of decision: 10 August 2012

Determination

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

I determine that from 4 September 2012 the published admission number for Bowhill Primary School shall be 75.

The referral

1. Devon County Council (the Council) has referred a variation to the Adjudicator about the admission arrangements for Bowhill Primary School (the School), a community school. The variation seeks to increase the published admission number (PAN) from 60 to 75, effective from 4 September 2012.

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, guidance and the School Admissions Code (the Code).

The documents I have considered in reaching my decision include:

- a. the request for the variation submitted by the Council as an in-year variation form on 2 July 2012;
- b. the net capacity assessment form for the School as supplied by the Council;
- c. a map showing schools in the local area as supplied by the Council;
- d. information about the consultation process during 7 September to 17 October 2011 regarding the School's proposed enlargement and the responses, as detailed on the Council's website
- e. the public notice dated 24 November 2011 as supplied by the Council;
- f. the minutes of the governing body meeting dated 13 March 2012;
- g. the School's email of 13 July 2012 in response to the variation request; and
- h. a copy of the Council's composite prospectus for parents seeking admission to schools in the area in September 2012, as downloaded from the Council's website.

Background and consideration of factors

4. The Council has applied for a variation to increase the School's PAN from 60 to 75. The intention to request this variation formed part of a strategic plan agreed by the Council's cabinet members to increase school places in Exeter to address a particular shortage west of the Exe for reception places and a longer-term response to new housing development. A Cabinet Member decision was taken on 21 June 2011 to consult on the proposal to enlarge Bowhill School from 420 to 525 places with effect from September 2012, and to proceed to public notice providing no materially significant objections were received.

5. The Council states that the PAN for 2013-14 has been consulted on and determined at 75 taking these plans into account, and that applicant numbers for the next three years are projected to increase in line with the raised PAN. Although the net capacity assessment for the School is 420, the maximum number of workspaces available is 470, so the School already has the capacity to accommodate the 15 extra pupils in the first year of implementation, and can do so by utilising existing space. Increasing the PAN by 15 places means that it will be some years before the school reaches its full capacity of 525 and in order to accommodate the additional pupils, the Council has agreed to replace an old kitchen and dining block with a permanent two-storey building providing three new classrooms, toilets and other areas.

6. In its consultation information, the Council states that as Exeter is a significant growth area, school places in Exeter schools for the future need to be planned carefully. The Council explains further that its main aim is to provide places for children in their local schools and support parental preference. Most city schools were built in a former period and have already grown to meet demand and consequently their sites are too small for future development. The Council reports that birth rates have increased and this together with new housing necessitates additional primary school places west of the River Exe. The Council acknowledges that it has a statutory duty to provide school places for pupils, and this proposal forms part of the Council's overall strategy to increase school places in Exeter.

7. The Council consulted on the proposed enlargement during the period 4 September to 17 October 2011 and then published a public notice for the period 24 November to 22 December 2011 that it intended to make the prescribed alteration to the School from 4 September 2012. Objections were received from the Redhills community which expressed dissatisfaction that the Council would spend £1.2m to expand Bowhill School when enough places were available at the nearby school to provide a no-cost alternative. The Council responded that the proposal for Bowhill includes replacing a Horsa building and has been a LA priority for a number of years. The Council appreciated that the school near Redhills had offered 30 extra places for two years at no additional capital cost, but explained that the immediate need was for 15 extra places and to increase capacity above this level at present was neither necessary nor affordable. The Council had looked at short, medium and long term solutions to the shortage of primary places West of the Exe and decided that the most practical and affordable solution was to consult on expanding Bowhill, but would bear in mind the additional capacity available at the other school for future years. The remaining comments identified the need to update the school's Travel Plan and to ensure that the new build includes infrastructure to support sustainable travel.

8. Accordingly Devon County Council's Cabinet, at their meeting on 8 February 2012, approved the proposal to enlarge Bowhill Primary School from 420 places to 525 places with effect from 4 September 2012 conditional upon receipt of an in-year variation to the 2012 admission number from 60 to 75.

9. The governors of the School have confirmed in the minutes of their meeting of 13 March 2012 that they are in agreement with the expansion of the School, subject to the condition that the PAN is raised to 75. The Council has also confirmed that all the primary schools within a three mile radius of the School were notified of the proposed variation and none offered any comment.

Conclusion

10. I am satisfied that the increase in the PAN of the School is an appropriate and measured response by the Council to the shortage of primary places in Exeter to the west of the Exe.

Determination

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

I determine that from 4 September 2012 the published admission number for Bowhill Primary School shall be 75.

Dated: 10 August 2012

Signed:

Schools Adjudicator: Cecilia Galloway