

DETERMINATION

Case reference: VAR/000587

Admission Authority: The Royal Borough of Kingston-upon-Thames

Date of decision: 31 July 2012

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I agree to the proposed variation to the admission arrangements determined by the Royal Borough of Kingston upon Thames, the admissions authority, for Burlington Junior School, a community junior school; to decrease the published admission number from 120 to 90 for admissions in September 2013.

The referral

1. The Royal Borough of Kingston upon Thames, the local authority, (the LA) which is the admission authority for community and controlled schools, has referred a variation to the Adjudicator about the admission arrangements for Burlington Junior School, (the School), a community school, for September 2013.
2. The variation that has been requested is to decrease the published admission number (the PAN) from 120 to 90, for one year only, for admissions in September 2013.

Jurisdiction

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 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

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:
- the determined arrangements for 2013/14 and the proposed variation to those arrangements dated 18 July 2012;
 - minutes of the governing body meeting held on 18 November 2009, at which the permanent expansion was agreed;
 - a copy of the LA's Primary Admissions Booklet 2012;
 - maps of the area; and
 - the Net Capacity Assessment for the School.

Background and Consideration of Factors

6. In November 2009 the governing bodies of a number of schools in Kingston upon Thames were consulted by the LA about a permanent expansion to meet the substantial and growing demand for primary school places in the area. Nine schools agreed to expand their intakes from September 2011, including the School, which increased the PAN from 90 to 120.

7. Prior to this large scale permanent expansion of in infant, junior and primary schools in the local area, the LA had managed to meet demand by admitting above the PAN of several schools as a temporary measure. The partnered infant school, Burlington Infant School, a community infant and nursery school, had agreed to admit 30 additional pupils, in each of the two years prior to September 2010, and therefore 120 pupils transferred to the School in the autumn terms of 2011 and 2012.

8. In September 2010 the infant school only admitted 90 pupils and as a result of this, in September 2013 there will be a smaller cohort of 90 pupils transferring to the School. The projections for the number of pupils indicate that from September 2014, the infant school intake will rise again to 120 each year.

9. In the light of this situation at the infant school, the LA is seeking a variation to the arrangements it has determined for admissions to the School in September 2013, to decrease the PAN from 120 to 90 for one year only. The LA has provided comprehensive information about past pupil numbers, the projections for the number of pupils and the admission numbers of all schools within a three mile radius of the School. All of the primary schools within this area have been consulted about the proposal but none has responded.

10. If the School retained its PAN of 120, the admission number that was determined as part of its arrangements for September 2013, the LA would have to admit up to that number and in all likelihood this would have a negative impact on a number of children admitted to local schools. If the LA admitted only 90 children to the School it would be unable to defend appeals

until the PAN of 120 was reached and this in turn would have the potential to cause future pressure on places caused by the priority given to siblings of pupils attending the School in the oversubscription criteria.

11. The only course of action open to the LA to avoid this situation is to apply for a variation to lower the PAN for admissions in September 2013 to 90 and then to determine a PAN of 120 for admissions in September 2014.

12. Although the LA has requested the reduced PAN for one year only, implying that I might agree that it reverts to 120 for admissions in 2014, I have jurisdiction to consider only the determined arrangements for admissions in September 2013. When the LA determines the arrangements for 2014 it will do so in accordance with the Code and will be able to increase the PAN, if it wishes, as provided for in paragraph 1.3 of the Code.

Conclusion

13. The LA has been working closely with a number of infant, junior and primary schools to manage the substantial pressure on primary school places in the area, firstly by making different year on year temporary arrangements and after consultation, agreeing to permanent expansion in several schools. As a result of these arrangements, there will be a smaller cohort of 90 children in the partner infant school transferring to the School in September 2013. In my view for these reasons and those outlined above, this proposal to vary the PAN to 90 is both transparent and reasonable.

14. In accordance with section 88E of the School Standards and Framework Act 1998, I agree to the proposed variation to the admission arrangements determined by the Royal Borough of Kingston upon Thames, the admissions authority, for Burlington Junior School, a community junior school; to decrease the published admission number from 120 to 90 for admissions in September 2013.

Dated: 31 July 2012

Signed:

Schools Adjudicator: Mrs Carol Parsons