



DETERMINATION

Case reference: VAR654
Admission Authority: Medway Council
Date of decision: 10 November 2014

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements for September 2015, determined by Medway Council, the admission authority for Hoo St. Werburgh Primary School and Marlborough Centre, to reduce the published admission number for September 2015 admissions.

I determine that for admissions in September 2015 the published admission number shall be 60.

The referral

1. Medway Council, the local authority (the LA), has referred a variation to the Adjudicator concerning the admission arrangements (the arrangements) for Hoo St. Werburgh Primary School and Marlborough Centre (the school), a community primary school, for September 2015. The variation sought is to reduce the published admission number (PAN) of 75 to 60 for September 2015 admissions.

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:
3. *“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. The LA's view is that newly available places at a neighbouring academy that is extending its age range removes the need to increase capacity at the school, and that this represents "*a major change in circumstances*". 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, guidance and the School Admissions Code (the Code).
6. The documents I have considered in reaching my decision include:
 - the LA's referral, dated 9 October 2014, and supporting documents;
 - the determined arrangements for the school and the proposed variation to those arrangements;
 - a copy of the LA's composite prospectus for parents seeking admission to primary schools in the area in September 2015;
 - a screen print from the LA's website, notifying the general public of the proposed variation;
 - a copy of the letter, dated 29 September 2014, consulting the governing body of the school about the proposed variation;
 - a copy of the email notifying other relevant bodies of the proposed variation and inviting responses; and
 - the school's response to the proposed variation, in an email dated 5 November 2014.

Background

7. The school was inspected by Ofsted in October 2013 and was judged to require improvement in all aspects, with the exception of the behaviour and safety of pupils, which were good. A monitoring visit in December 2013 judged that senior leaders and governors were taking effective action to tackle the areas identified as requiring improvement, but that there was still underachievement in key areas and that the quality of teaching was mixed. Support by the LA was seen as helpful, but limited.
8. Medway Council undertook a detailed consultation, as required by paragraphs 15b) and 1.42-1.45 in the Code, prior to determining admission arrangements for September 2015 for those schools for which it is the admission authority. Following consideration of responses to the consultation, arrangements for admissions in September 2015 were determined at the LA's Cabinet meeting on 11 February 2014. For this school, an increase in the PAN from 60 to 75 was proposed and determined in order to meet an increased demand locally for places in reception classes.

9. However, The Hundred of Hoo Academy (the academy), which is located adjacent to the school, proposed to expand its age range to accommodate primary phase children to assist the LA in meeting its need to provide sufficient reception places in September 2015 and beyond. The academy submitted a request to this effect to the Secretary of State and received no objections from the public consultation. On 18 February 2014 the LA's Children's and Adults' Directorate management team discussed, and decided to support, the academy's proposed expansion. This decision was taken partly on the grounds of the perceived higher quality of education offered by the academy compared with the school, and partly because funding that had previously been identified to expand capacity at the school was no longer available.
10. On 17 March 2014, LA officers met with the school's chair of governors and headteacher and advised them of the academy's proposal to provide up to 30 reception places from September 2015. On 13 May 2014, the LA's Cabinet agreed that its preference was to support the expansion of the academy and to seek an in-year variation to revert the PAN for the school to 60 for September 2015 admissions. This decision was formally notified to the school and appropriate bodies as required by the Code on 29 September 2014, and was published on the LA's website. No comments were received and the LA consequently submitted to the adjudicator this request for an in-year variation for admissions to the school in September 2015.

Consideration of factors

11. In considering this request, I note first that the outcome of the most recent Net Capacity Assessment (NCA), undertaken in June 2014, was that the school has a total capacity of 420 and an indicated admission number (IAN) of 60 for each year group. In all admission rounds since 2010/11, the school has admitted 60 children, with the exception of 2013/14, when 61 children were admitted as the result of a successful appeal. Currently, the school is full. There has been increasing pressure on places in the school's area in the last two years, with the number of applications rising from numbers in the 70s, or just below, during the period 2009/10 to 2012/13, to 95 in 2013/14 and 112 in 2014/15. Over the same period, the number of appeals has risen from 0 or 2 to 8 in 2013/14 and 7 in 2014/15. The trend of these data clearly supports the LA's concern that it needs additional capacity in the area served by the school if it is to provide sufficient reception places in the coming years.
12. There are two other primary schools in the nearby villages of Chattenden and High Halstow. As at 2014, the combined PAN of the three schools is 120; the expected numbers of reception age children who may apply for a place in one of these three schools is just below 140 for the three admission years of 2015/16, 2016/17 and 2017/18, thus leaving a shortfall of some 20 places. Although there are another 16 primary schools within a three mile radius of the school, including the two mentioned above, only one would be identified as accessible

by a safe walking route, with limited public transport or walking routes to few others, owing to the rural nature of the Hoo peninsula in general, and the isolated location of Hoo St. Werburgh village in particular. Half of the primary schools within the three mile radius would in fact be much further by a walking route, as they lie south of the River Medway and the only direct way across the river is through a tunnel that is prohibited to pedestrians and cyclists. Across the 16 schools, there are fewer than 20 spare places in current reception classes, most of which are in two schools on the south side of the Medway, and so not easily accessible to children living in the vicinity of Hoo St. Werburgh.

13. The school informed me that it *“has no comment to make about the reduction in PAN”*; indeed, its response suggests that it was less than happy at the prospect of the former PAN being increased in line with the LA’s initial determination.
14. The LA had proposed to raise the school’s PAN in order to meet a clearly identified need for additional places in the local area. However, this need will now be met by places made available at the academy so that children who are not allocated a place at the school will be provided for at another local school. At the time it determined its arrangements, the LA responded appropriately in seeking to provide extra places; now that more places are accessible elsewhere to local children, the reversion of the school’s PAN to its previous number is a sensible response to the change in circumstances.
15. The LA received no responses to the proposal, from which I conclude that interested parties see this, at the least, as an acceptable solution to an issue that requires immediate action. By reverting to the school’s previous PAN it avoids unwelcome strains on a site which is at full capacity and for which there is no longer any funding to extend. As the academy is adjacent to the school, the provision of additional places there does not create any problems of access or transport.
16. Between them, the anticipated increase in the number of children requiring a reception place and the academy’s proposal to extend its age range clearly constitute *“a major change in circumstances”*. The lack of capacity at the school, the lack of available funding to address this and the need for the school to respond to a challenging recent inspection persuade me that to increase its PAN might be an unreasonable burden at this time when another solution is available. I believe the LA’s proposed variation is supportive of the school as well as helpful to local parents applying for reception places in September 2015 and beyond. For these reasons I approve the variation.

Conclusion

17. The LA determined an increase in the school’s PAN for September 2015 to meet an accepted need for additional reception places in the local area. However, the neighbouring academy proposed to extend its age range and so offer up to 30 reception places from that date. In the absence of funding to extend facilities at the school, the LA decided to

support the academy's proposal and sought a variation to revert the school's PAN to its previous number. The LA consulted widely on this proposed variation, which it believes would be advantageous to applicants for reception places in the locality of the school, as well as to the school itself as it strives for improvement.

18. In my view, the proposed variation is pragmatic and reasonable in responding to both the increased number of children requiring reception places and the need for stability in the school and I therefore approve the variation.

Determination

19. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements for September 2015, determined by Medway Council, the admission authority for Hoo St. Werburgh Primary School and Marlborough Centre, to reduce the published admission number for September 2015 admissions.

20. I determine that for admissions in September 2015 the published admission number shall be 60.

Date: 10 November 2014

Signed:

Schools Adjudicator: Andrew Bennett