

DETERMINATION

Case reference: VAR/616

Admission Authority: The Royal Borough of Windsor and Maidenhead

Date of decision: 24 October 2013

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 Royal Borough of Windsor and Maidenhead for Oldfield Primary School.

I determine that for admissions in September 2014 the admission number shall be 30.

The referral

1. The Royal Borough of Windsor and Maidenhead, the local authority, (the LA) has referred a variation to the adjudicator about the admission arrangements (the arrangements) for Oldfield Primary School (the school), a community primary school for pupils aged 4 to 11 years, for September 2014.
2. The request is that the admission number for September 2014 should be reduced from 60 to 30.

Jurisdiction

3. 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”.

4. 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 and the School Admissions Code (the Code).

6. The documents I have considered in reaching my decision include:
 - a) the LAs letter of referral of 26 September 2013 and supporting documents;
 - b) the Chair of Governors' letter of 26 September 2013;
 - c) the Headteacher and Chair of Governors' letter of the 4 October;
 - d) the determined arrangements for the school for admission in September 2014 and the proposed variation to those arrangements;
 - e) a copy of the LAs booklet for parents seeking admission to schools in the area in September 2014;
 - f) additional communication from the LA regarding responses to the proposal.

Background and consideration of factors

7. The school is a community school and therefore the LA is the admission authority. The arrangements for admissions in September 2014 were determined in March 2013 and published prior to 1 May 2013 as required by paragraph 1.47 of the Code. The published admission number (PAN) was increased from 30 to 60.

8. The school is popular and has been oversubscribed for a number of years. In 2012, 243 families applied for admission and the last admission criterion against which children were offered a place was "*Children whose parents have any other reason for their preference*" at a distance of 0.534 miles. There are currently 273 children on roll in the school which has a capacity assessment calculated at 268.

9. The LA reports that there has been a significant increase in demand for primary school places in the area served by the school in recent years and it has been seeking ways to expand the school in order to accommodate most, if not all, of the children living in the catchment area and applying for a place at the school.

10. The school is too small to accommodate an increase and cannot be expanded on its current site. In addition the school is in the flood plain which makes it significantly more difficult to obtain planning permission for any new buildings. As the new school will not be built by September 2014, the LA has made other arrangements for additional children at other local primary schools.

11. The LA has consulted twice on a proposal to relocate the school into new buildings and expand the admission number from 30 to 60. In July 2012 this proposal was approved by the LA conditional upon relevant planning permission being obtained no later than 1 October 2013.

12. The PAN for 2012 and 2013 was 30. The governors and the LA agreed that to meet the immediate local demand the school would admit 60 pupils each year in September 2012 and 2013. In each year this is an increase of 30 places above the published admission number. (PAN) Two temporary classrooms were provided on site for the extra two classes.

13. In anticipation of the planning permission agreement the proposed admission arrangements for September 2014 included an increase in the PAN from 30 to 60 and these arrangements were determined and published in accordance with the Code.

14. The Royal Borough's Development Control Panel for Maidenhead met on the 18 September 2013 and deferred the planning application until November 2013. The report of the meeting does not provide details of the basis on which this decision was made.

15. The increase in roll over the last two years is placing the school's facilities under considerable pressure. The inside provision and the outdoor space including the playground is currently accommodating more children than its capacity would suggest and a further increase in the number of children on roll would, in the view of the school, the governors and the LA cause overcrowding on the site which could lead to a lowering of educational standards for children. The school is currently judged as outstanding by an Ofsted inspection in 2007 and deemed to remain outstanding in an interim assessment by Ofsted in 2010.

16. The LA has provided details of the current accommodation and facilities of the school and these demonstrate clearly the shortfall in space if the numbers increased further.

17. The school and the LA are aware that the increased numbers of the last two years will remain for the next seven years and the council is committed to the retention of the temporary accommodation during that time.

18. All local schools and admission authorities in the area and neighbouring local authorities have been contacted by the LA with details of the proposed variation in line with paragraph 3.6 of the Code which states that appropriate bodies must be notified. The "appropriate bodies" are detailed in paragraph 1.44 c, d and f of the Code. One response was received from the Chair of Governors of a local middle school which stated that "The solution that is proposed is the only one open in the circumstances". No other responses have been received.

19. The Chair of Governors and the Headteacher have confirmed in writing that they are in full agreement with the variation proposal.

20. I agree with the LA that the deferral of the planning application constitutes a major change in circumstances and that the variation would address the problems arising from this change in circumstances

Conclusion

21. I have concluded that the variation which the council has requested is necessary to support the effective running of the school on the current site. It is necessary to reduce the PAN in order to maintain an appropriate number of children in the school.

22. The council hoped to provide a new school for September 2014 with increased capacity to be built on a different site and admission arrangements were planned with that expectation. The deferral of the planning permission decision has meant that even if the permission is agreed there would not now be sufficient time to facilitate an increased admission number in 2014. This therefore constitutes a major change in circumstances as outlined in paragraph 3.6 of the Code.

Determination

23. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by The Royal Borough of Windsor and Maidenhead for Oldfield Primary School.

24. I determine that for admissions in September 2014 the admission number shall be 30.

Dated: 24 October 2013

Signed:

Schools Adjudicator: Mrs Ann Talboys