

DETERMINATION

Case reference: VAR/000565

Admission Authority: London Borough of Merton

Date of decision: 25th January 2012

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by London Borough of Merton for Poplar Primary School.

I determine that for admissions in September 2012 the admission number for Poplar Primary school shall be increased from 60 to 90 and also that the admissions criteria for the additional 30 places only shall be on the basis of an admissions priority area.

The referral

1. The London Borough of Merton, the local authority, (the LA) referred a variation to the Adjudicator 12 January 2012 the admission arrangements for Poplar Primary School (the school), a community school, for September 2012. The request is to increase the admission number of the school from 60 to 90 and, for the admissions criteria for the additional 30 places only, to be on the basis of an admissions priority area (APA).

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:

- the council's letter of referral 12 January 2012 and supporting documents;
- the determined arrangements for the school and the proposed variation to those arrangements;
- the response from the governing body of the school to these proposals;
- the most recent Ofsted report on the school;
- the school's own website;
- a copy of the council's booklet for parents seeking admission to schools in the area in September 2012 and information on its website about proposed changes to admissions to the school;
- a copy of the email notifying the appropriate bodies about the proposed variation;
- a copy of the email consulting the relevant bodies about the proposed variation.
- information about the admission numbers of primary schools within 3 miles of the School;
- responses from those relevant bodies who were consulted over the variation; and
- maps of the area showing the proposed admissions priority area and the location of neighbouring schools.

Background

4. The London Borough of Merton has seen a 39 per cent increase in the birth rate over the past eight years. This has led to a major and unprecedented increase in demand for primary school places. From 2008 to 2010, nine schools in the borough provided an extra reception class; most are now legally approved permanent changes.

5. The LA reports that it has provided 19 additional forms of entry into reception classes in the last four years. It undertook a borough wide consultation in 2010 regarding the primary school expansions required for 2011 and 2012 and planned accordingly.

6. Despite the formation of these additional classes, the LA now considers it will have insufficient reception places for September 2012. It has found that the demand for places has increased significantly beyond the level projected such that two further classes, in addition to the eight already planned are required. The LA's information is now that it needs to provide places over the next three years arising from 252 additional births.

7. The request for an admissions priority area (APA) is based on a shortage of spaces in a certain area, Merton Park, in which one school, Merton Park Primary School, is situated centrally. Last year, Merton Park School only offered reception places in the first round of offers to pupils living within 153.5 metres of the school. Merton's admission booklet for parents shows this distance of home from school to be the shortest distance by a considerable margin of all the primary schools. The consequence of that is there are families who will have no opportunity to attend a local school.

Consideration of Factors

8. Firstly, I have considered the LA's major change in circumstances and whether the proposed variation will meet the needs of the changed circumstances. The LA has undertaken a planned, generally permanent, expansion of reception school places yet is still experiencing demand significantly beyond the increased level projected. To meet the need for additional places the LA has concluded it must take further action.

9. The APA element of the proposed variation is to improve access to schools in the Merton Park area. The only school in that area is Merton Park Primary which only offered places to pupils living within 153 metres last year (extending to 243 metres in July when a small number of children no longer required a place). Merton Park Primary school is to the north of Poplar Primary and it is intended that the APA will be for the area to the north of the school. Pupils to the south of Poplar Primary will have access to Hillcross School which has been expanded in view of the projected pupil numbers in the area. The oversubscription criteria for these 30 additional places are proposed as:

“Up to 30 places to children living inside the priority area in order of nearness of home to the school by straight line distance (see appendix 1 for map of priority area)*. If less than 30 eligible offers are made from the priority area, remaining places will be allocated under criterion 4.”

10. I have considered whether the arrangements might be unfair in ways prohibited by the Code. All oversubscription criteria are bound to discriminate to some extent between children– that is inevitable when a school is oversubscribed and decisions have to be made as to which children should be offered places. There is no guarantee to parents in this area of a place at the school – that is not allowed under the Code. Also the LA undertakes to review and consult upon the APA annually to see if it is both a fair and effective means to allocate places. I have therefore concluded that these arrangements are permissible under the Code.

11. The school was considered good by Ofsted at its last inspection with good capacity to improve. It occupies spacious grounds with a large playground, a field and a nature reserve. The LA will provide a temporary classroom for additional accommodation.

12. The head teacher of Merton Park Primary school sent the only response to the consultation. Her concerns were that the principle of highest preference should continue so that parents and careers who put Merton Park as their first choice would still be allocated Merton Park even though they lived in the new Poplar APA. In addition the head teacher pointed out that pupils came from a wider area than 153.5 metres when places were offered in the second round. The LA assured the head teacher that the highest preference system would continue and that the APA would be reviewed annually to ensure it was fair and effective. The correspondence indicates that there was then no objection to the proposal.

13. Parents and other members of the public have been informed of the proposed change on Merton Council's website. There is a map showing the admission area and that it is hopeful of a decision by mid-February. It further states that this need not impact on parents completing their application forms as the admission process operates an "equal preference scheme." It tells parents that, if they are unsuccessful at the first preference school, they will not be overlooked for schools lower down in order of preference and there is no need for parents to be tactical in how they order preferences.

Conclusion

14. In summary then, the increase in reception place requests in the Merton Park area of Merton is now expected to be greater than projected. This could in the immediate future be in part remedied by increasing the admission number of the school by 30 places and, for the admissions criteria for those additional 30 places only, to be on the basis of an admissions priority area

15. Children have a right to a school place and local authorities have a statutory responsibility to make sure they make places available. The LA is proposing to take prompt action to ensure that it is able to fulfil its responsibilities. The governing body of the school supports the proposal to increase the number of places available and the priority for those places. The school has the space to cope well with the additional class.

16. The proposed APA has been carefully drawn to include those families who might otherwise find themselves without a school within reasonable distance. It may exclude some families for whom it is the nearest school, but they will still have a school within reasonable distance. There is no absolute right for children to attend the nearest school and operating such a criterion in the case of these additional places could result in some children not having a local place at all.

17. The APA will not reduce the number of places currently available to residents within straight line distance of the school.

18. The Code at paragraph 4.26 says that an admission authority must not seek a variation to its arrangements once the closing date for applications has closed. The request was received just prior to that date. It is clear that the LA has kept under review the need for additional places and has decided that it

should take further action now. By doing so now more places will be allocated and offered directly to parents. I am satisfied that it is to the benefit of parents and their children that the admission number should be increased and that those additional places should be allocated according to the new oversubscription criterion. I am satisfied that I should 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 determined by the London Borough of Merton for Poplar Primary School.

20. I determine that for admissions in September 2012, the admission number for Poplar Primary School shall be increased from 60 to 90 and also that for the admissions criteria for the additional 30 places only, to be on the basis of an admissions priority area.

Dated: 25th January 2012

Signed:

Schools Adjudicator: Miss Jill E Pullen