

## DETERMINATION - Variation

**Case reference:** VAR/000497

**Admission Authority:** London Borough of Merton

**Date of decision:** 4 February 2011

### **Determination**

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

**I determine that for admissions in September 2011 the admissions number shall be 90 and that the revised admissions arrangements for the school should be as follows;**

**Allocations made under criteria i-iv will be up to 60 places unless any additional places become available after applying criterion v.**

- i. Children in public care (i.e. children looked after by a local authority). If you make an application under this criterion, it must be supported by a letter from the relevant local authority.**
- ii. Children with an exceptional and professionally supported medical or social need for a place in a particular school. You must submit evidence from a professional person with the application form otherwise it will not be possible to take the particular need into account. The Admissions Team will consider if the evidence shows a need for the child to attend a particular school, and this need could not reasonably be supported in another school.**

**Please note that the Admissions Team will not seek evidence on behalf of an applicant, and that it is the responsibility of an applicant to ensure that all evidence is made available with the application.**

**In the case of a medical need the LA will consider if it is essential, on medical grounds, for the child to attend the school of the parents' preference. If you require a place at a school on the basis of a medical need, please contact the School Admissions Team on 020 8274 4906 for an additional form to be completed by a relevant medical professional.**

**Please note we cannot accept letters from yourself or from other members of your family, nor from your health visitor. We do not consider childminding or parents' working arrangements as evidence of social need, nor attendance in a school nursery.**

- iii. **To those children who have a brother or sister (sibling) registered at the school who will be attending the school at the time of their admission. A qualifying sibling is a brother or sister (or step brother/sister, adopted brother/sister) who is part of the same family unit living at the same address.**
- iv. **To all other pupils in order of nearness of home to the school by straight line distance\***
- v. **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.**

**\* A detailed description of how straight line home to school distance is calculated is included in the admissions brochure**

### **The referral**

1. Merton Council (the Council) has referred a variation to the Adjudicator about the admission arrangements for Wimbledon Park School (the School), a maintained primary school for September 2011. It is proposed to provide an additional 30 reception year places at Wimbledon Park School for 2011-12 on the basis of an admissions priority area (APA) for the additional 30 places only.

### **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. 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.

6. The documents I have considered in reaching my decision include:
- the council's letter of referral of December 22<sup>nd</sup> 2010 and supporting documents;
  - the determined arrangements for Wimbledon Park Primary School and the proposed variation to those arrangements;
  - a copy of the council's booklet for parents seeking admission to schools in the area in September 2011 ;
  - the Ofsted monitoring visit letter of November 2009;
  - a copy of the letter notifying the appropriate bodies about the proposed variation;
  - a copy of the leaflet consulting the relevant bodies about the proposed variation;
  - a map showing the proposed admissions priority area and the location of neighbouring schools; and
  - a number of letters from parents relating to the proposed variation.

### **Background and consideration of factors**

7. The London borough of Merton has seen a 30% increase in the birth rate over the past six years. This has led to a major and unprecedented rise in demand for primary school places. In the past three years, nine schools in the borough have each already provided an extra reception class. Most of these are now legally approved permanent changes. In addition, in 2010 the council committed itself to providing a new school in the area surrounding Wimbledon Park School.
8. In October and November 2010, the council undertook a borough wide consultation regarding the primary school expansions required over the next two years to provide the places needed. Eight FE was consulted upon including one at Bishop Gilpin CE School which had provided an additional reception class in 2010. There was then a major change in circumstances. Firstly it became clear that it was no longer viable to purchase the site for a new school in a timely manner. Subsequently, at a meeting in November, the governing body of Bishop Gilpin School decided not to support the provision of an additional 30 places in September 2011.
9. All the Merton maintained schools in this part of the borough are currently fully subscribed in reception. There will be insufficient places to meet demand for reception places in September 2011 without an additional reception class, especially since Bishop Gilpin provided an additional reception class in 2010 but will not do so in 2011.

10. The Council has therefore had to act promptly to fulfil its statutory obligations and provide a local replacement for the 30 basic need places. It has proposed an additional “bulge” class at the School. The governors of Wimbledon Park School agreed to support the application at their meeting on 9 December 2010. The Council held a consultation meeting about the proposed “bulge” class at the school on Wednesday January 19<sup>th</sup>.
11. Wimbledon Park Primary School has been heavily oversubscribed in recent years. The catchment has shrunk dramatically since 2008 when children living within 490 metres gained places. Last year the council was only able to offer places on the distance criterion to children living within 306 metres of the School.
12. There is a particular difficulty for families living to the south of the School. There are alternative community schools to the north within 1 km of the School whilst the nearest community school to the south is nearly 2 km and the nearest voluntary aided CE school is 1.5 km. The schools to the south are also already heavily oversubscribed and the nearest have already expanded or agreed to do so from September 2011.
13. Merton’s oversubscription criteria for community primary schools generally cover looked after children, priority on medical or social grounds and siblings, followed by straight line distance from the school. Applying the straight line distance criterion to additional places at the School would mean that children to the north of the School who are near more than one school could gain places at the School while those children to the south and west of the School are left without a place at a local school.
14. The borough boundary lies close to the north of the school and the Council has therefore consulted the London Borough of Wandsworth about this proposal. Wandsworth produced a report on November 22<sup>nd</sup> 2010 which confirmed that its own 1-2 FE expansion plans would provide sufficient places in the area in question to the south of the borough near the Merton border.
15. The proposed APA does not follow the borough boundary. It includes part of Wandsworth so would provide some extra places for Wandsworth residents. Where possible, natural boundaries have been used. These include the tube line, the river Wandle and the main rail line. The area extends further to the south to cover areas where residents are otherwise likely to lack available local schools.
16. Nonetheless, some Wandsworth residents who consider Wimbledon Park to be their local school would not be within the proposed APA and therefore would not be eligible for the additional places. Some Wandsworth parents have raised the question of the longer term impact of this proposal on admissions patterns. They state that the proposed APA is focused on areas within LB Merton and that therefore, in subsequent years, younger siblings from homes in LB Merton within

the APA would be given priority, even if they lived further away from the school than others seeking places. Over time, the APA policy would therefore favour families living in LB Merton and the number of families living in LB Wandsworth who could attend the school would decrease.

17. However given the geographical distribution of schools and the heavy over-subscription of schools to the south of the School, without the APA some Merton residents would be left with major journeys (two buses and about an hour of travelling) to reach a Merton school with surplus places.
18. The proposed APA would mean that all those admitted would be within walking distance of the school, thus reducing traffic.
19. Some parents have complained that they did not know about the recent consultation meeting at the school or that they only found out about it at the last minute. The Council has needed to act swiftly in the face of changing circumstances to ensure that children are not left without school places in September 2011. This variation applies only to September 2011. Should it be agreed, the Council will initiate an open consultation about permanent expansion of the school to three forms of entry.
20. Wimbledon Park School occupies a spacious site backing on to a park. It is well provided with accommodation over and above class bases including specialist music and art rooms and a library. Classes are grouped together on an age basis with their own dedicated outside space and toilets. If the proposal is agreed, it is proposed to add an additional reception class in existing accommodation adjacent to the current Early Years suite and to add an additional mobile Classroom Unit close to Yr 2 or 3.
21. The net capacity assessment for the School is 413. There are currently 437(404.5 full time equivalent) pupils, including nursery pupils. Although the school is heavily oversubscribed at the lower end, classes at the upper end are not full. There are 45 pupils in Yr 5 and 42 in Yr 6.
22. Under a new head teacher, the school has emerged from a period in which Ofsted classified it as “satisfactory”. It is now improving rapidly and achieving good results.

## **Conclusion**

23. Children have a right to school places and local authorities have a statutory responsibility to make sure they have them. Merton Council is proposing to take prompt action to ensure that it is able to fulfil its responsibilities. The Governing Body of the School supports its proposal. The School has the space and the capacity to cope well with the additional class.

24. The proposed APA does not follow borough boundaries, but 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.
25. The APA will not reduce the number of places currently available to residents within straight line distance of the school. No child from either Wandsworth or Merton who would have gained a place at the School under the existing published admission arrangements will be denied one. The London Borough of Wandsworth has stated that its plans ensure that there will be sufficient school places for residents near the Merton border. Thus though this proposal may reduce choice for some parents living to the north of the school, it will ensure that those living to the south are spared long bus journeys to distant schools.
26. A parent has raised the question of the longer term impact of this proposal on admissions patterns. It is true that it will alter the pattern as siblings of the 30 APA children gain places. This may reduce the numbers of Wandsworth children admitted over time but the School's admissions patterns are not stable anyway, as evidenced by the shrinkage in intake distance between 2008 and the present.
27. This proposal should ensure that most if not all children in the area in question have access to a school place within reasonable distance. I therefore consider that the interests of all the children in question have been properly considered taking into account all the relevant factors.

## **Determination**

28. 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.
29. I determine that for admissions in September 2011 the admissions number shall be 90 and that the revised admissions arrangements for the school should be as follows;
30. Allocations made under criteria i-iv will be up to 60 places unless any additional places become available after applying criterion v.
  - i. Children in public care (i.e. children looked after by a local authority). If you make an application under this criterion, it must be supported by a letter from the relevant local authority.
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- iv. To all other pupils in order of nearness of home to the school by straight line distance\*
- v. 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.

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Dated: 4 February 2011

Signed:

Schools Adjudicator: Janet Mokades