



## **DETERMINATION**

**Case reference:** VAR000634

**Admission Authority:** The governing body of Lime Tree Primary School, Surbiton

**Date of decision:** 3 March 2014

### **Determination**

**In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed in-year variation to the 2014 admission arrangements for Year 3 determined by the governing body of Lime Tree Primary School.**

**I determine that for admissions in September 2014 the published admission number for Year 3 shall be 30.**

### **The referral**

1. On behalf of the governing body of Lime Tree Primary School (the school) which is the admissions authority, the Royal Borough of Kingston upon Thames Learning and Children's Services (the local authority) has referred a variation to the Adjudicator about the admission arrangements for the school. In a letter dated 24 February 2014, the chairman of governors has confirmed that the local authority is acting on behalf of the governing body with respect to this variation which seeks to reduce the published admission number (PAN) for Year 3 from 60 to 30, effective from September 2014.

### **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).
4. The documents I have considered in reaching my decision include:
  - a. the request for the variation submitted by the local authority as an in-year variation form on 18 February 2014;
  - b. a letter from the chairman of governors dated 24 February 2014 confirming the local authority is acting on behalf of the governing body with respect to this proposed variation;
  - c. a copy of the minutes of the school's governing body meeting on 14 January 2014 at which the proposed variation was discussed and agreed;
  - d. a copy of an email dated 6 February 2014 notifying all local schools, the three local diocesan boards of education, and neighbouring local authorities, about the proposed variation;
  - e. a copy of a letter dated 16 December 2013 sent by the local authority to the parents and carers of children attending Maple Infants School (Maple) and St Andrew's and St Mark's Junior School (St Andrew's and St Mark's) which have both been proposed for expansion; and
  - f. the local authority's on-line composite prospectus "Primary School Admissions Booklet 2014" which includes a map showing schools in the local area.

## **Background and consideration of factors**

5. Lime Tree Primary School opened as a new foundation school in September 2012 with admissions only to the Reception Year, and although the PAN is 60, the school admitted 90 children into this first cohort. It is expected that the school roll will build up, year-on-year, until September 2018 when there will be the full complement of primary year groups from Reception to Year 6.
6. In addition to designated primary schools, the local authority provides primary education through a number of infant schools paired with junior schools. Infant schools provide education from Reception to Year 2, and junior schools from Years 3 to 6. Consequently, a second admission round may apply to children transferring to another school in Year 3, and during this process, families may express up to six school preferences which may include the paired junior school.
7. The local authority explained the background to the proposed variation. There was an increase in the demand for Reception places from families living in the Surbiton and Tolworth areas in 2011. To help address the shortfall of places, an extra Reception class of 30 pupils was provided at Maple and also Tolworth Infant & Nursery School (Tolworth) but it was recognised, at the time, that further planning was necessary as neither of their paired junior schools

would have sufficient physical space to accommodate the extra children by the time they transferred into Year 3 in September 2014.

8. To address the anticipated shortfall of Year 3 places in September 2014, the local authority arranged with the governing body of the school that a Year 3 cohort of 60 children would be created a year earlier than would otherwise have been necessary. It was planned that any of the Maple and Tolworth children who could not be placed in Year 3 at the paired junior schools might instead be placed at Lime Tree Primary School. The school would accommodate these pupils using the two Year 3 classrooms which would otherwise have been empty for a year until the first Reception Year cohort admitted to the school in 2012 would reach Year 3 in September 2015.

9. I have been assured by the school that the governing body agreed to the proposal for the Year 3 intake in September 2014 and that the 2014 admission arrangements have been determined including Year 3 arrangements giving a priority to children transferring from the Maple and Tolworth infant schools.

10. The Year 3 arrangements published on the school's website and also included in the local authority's "Primary School Admissions Booklet 2014" identify that if the school were to be oversubscribed then, after the admission of pupils with a statement of special educational needs which names the school, applications will be prioritised in the order I have summarised below:

- (i) looked after children and previously looked after children
- (ii) children currently attending Tolworth and Maple infant schools;
- (iii) children with a sibling attending the school at the time of admission;
- (iv) cases of exceptional family, social or medical need; and
- (v) children who live nearest to the school, as measured by a straight line to the nearest school gate using the school admissions computerised geographical information system.

11. However, the local authority has explained that there has been a major change in circumstances as a result of a forecast for places revised after the 2013 admissions round, together with additional "Basic Need" funding announced by the Education Funding Agency. Accordingly, the local authority is consulting on a statutory proposal that Maple and the paired St Andrew's and St Mark's be permanently expanded from 60 to 90 pupils per year from September 2014. On 16 December 2013 the local authority wrote to the parents and carers of children at both schools about the proposed expansion. The People's Services Committee is scheduled to consider the consultation responses and make a decision about the proposal on 25 March 2014.

12. I note that there are no plans to expand permanently either Tolworth Infant School or the paired Tolworth Junior School.

13. The closing date for applications for a Year 3 place in September 2014 was 15 January 2014, so that, by the time of this determination, the local authority already holds information about parental preferences for September 2014. The local authority has confirmed that all but one of the parents of Maple Year 2 children have selected St Andrew's and St Mark's as their

school of first choice for a Year 3 place. The local authority is therefore of the view that the statutory proposal to permanently expand both Maple and St Andrew's and St Mark's would meet the wishes of the overwhelming majority of local families affected.

14. It is apparent that, if the expansion proposal is approved, almost half of the 60 Year 3 places at the school would not then be required for Maple Year 2 children. However, up to 30 places in September 2014 would still be required for any Tolworth Year 2 children who could not be accommodated at the paired junior school.

15. Working with the local authority, the governing body has recognised that if the school were to retain the PAN of 60 for Year 3, then in September 2014 up to half of the Year 3 places would be unfilled, with an associated adverse financial and organisational impact for the school. Alternatively, the school might draw current Year 2 children from schools other than Maple and Tolworth, which would have an adverse financial impact upon other schools within the local authority. It is for these reasons that the proposed in-year variation to reduce the PAN for Year 3 from 60 to 30, effective from September 2014, has been submitted. The revised PAN of 30 would still provide sufficient Year 3 places to accommodate Tolworth Year 2 children who could not be placed at the paired Tolworth Junior School.

16. The minutes of the meeting of the governing body of 14 January 2014 confirm that the governors of the school approved this proposed in-year variation to the 2014 determined admission arrangements. On behalf of the governing body, in an email dated 6 February 2014, the local authority then notified all local schools, the three local diocesan boards of education, and neighbouring local authorities about the proposed variation to reduce the PAN for Year 3 from 60 to 30. The local authority has confirmed that no responses have been received.

## **Conclusion**

17. I accept the local authority's assurances that, as a result of the proposed expansion, the 30 places to accommodate children transferring from Maple Infant School into Year 3 at Lime Tree Primary School will not be required in September 2014. I am satisfied that the decrease in the Year 3 PAN from 60 to 30 would be an appropriate and measured response by Lime Tree Primary School to the major change in circumstances. On the assumption that the local authority's knowledge of applications and expected approval of expansion will mean that this variation is a reasonable action to take, I approve this variation. If circumstances do not turn out as expected, then at that point, it will be for the school and local authority to consider whether to admit above PAN or seek a further variation.

## **Determination**

18. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the 2014 admission arrangements for Year 3 determined by the governing body of Lime Tree Primary School.

19. I determine that from 1 September 2014 the published admission number for Lime Tree Primary School shall be 30.

Dated: 3 March 2014

Signed:

Schools Adjudicator: Cecilia Galloway