

DETERMINATION

Case reference: VAR/000617

Admission Authority: Spalding Primary School

Date of decision: 14 November 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 governing body, the admission authority for Spalding Primary School.

The variation is to decrease the published admission number from 90 to 60. I determine that for admissions in September 2014 the admission number shall be 60.

The referral

1. The governing body of Spalding Primary School, a foundation school for children aged 4 to 11 years, (the school), which is the admission authority, has referred a variation to the Adjudicator concerning the admission arrangements for the school for September 2014. The variation that has been requested is to decrease the published admission number (PAN) from 90 to 60 for the reception year (year R) in September 2014. This change is sought as circumstances have changed since the governing body agreed to a request from Lincolnshire County Council, the local authority, (the LA) to increase the PAN from 60 to 90 in 2012, and the LA's publication of a statutory expansion proposal, which was approved in May 2012 and came into effect in September 2013.

Jurisdiction

2. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998, which states that: 'where an admission authority (a) has in accordance with section 88C determined the admission arrangements that 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".

3. I am satisfied that the proposed variation is within my jurisdiction.

Procedure

4 In considering this matter I have had regard to all relevant legislation, guidance and the School Admissions Code (the Code).

- 5 The documents I have considered in reaching my decision include:
- the request for an in-year variation for admissions to year R by the governing body of the school, for September 2014;
 - a copy of the booklet for parents seeking admission to primary schools in the area in September 2014 published by the LA;
 - a copy of the school's determined admissions arrangements for 2014;
 - a map of the Spalding and Pinchbeck area, the area local to the school, within which there are currently seven primary schools;
 - Ofsted reports for the seven primary schools in the area;
 - a copy of the report proposing to revoke the expansion of Spalding Primary School on 9 August 2013 by the LA's Director of Children's Services, dated 9 August 2013, to the executive councillor;
 - a copy of the formal decision of the executive councillor; and
 - a letter from the LA's Director of Children's Services to the Department for Education (DfE), dated 9 October 2013, setting out its support for the establishment of a free school that will provide a further two forms of entry (PAN 60) in the Spalding area by September 2014.

Background

6 The governing body of the school was requested by the LA to increase the PAN from 60 to 90 (420 to 630 places), with effect from September 2014, to meet the rising local demand for primary school places. Following agreement by the governing body, the school increased its capacity for pupils entering year R by 30 and admitted above its usual intake for two years in 2012 and 2013.

7 After agreement by the governing body to expand the school, a planning application to extend the existing school buildings was submitted by the LA to North Holland District Council's planning committee in May 2012, but the application was not given planning consent. The LA decided that the only area on which to expand the school was the area adjacent to the main site, which would become an annex to the school.

8 In September 2012, the school was inspected by Ofsted, and judged to require improvement to be good. In January 2013 a new headteacher took up post. In March 2013 the governing body decided it would be very challenging to manage a split site school while striving to improve the school, as the school will be subject to monitoring by Her Majesty's Inspector (HMI) and can expect a follow-up inspection within the next year.

9 The LA did not wish to go ahead with the expansion without the agreement of the school's governing body. It therefore published a notice to revoke its earlier proposal to add capacity to the school.

10 The statutory representation period following the 9 May 2013 revocation notice ended on 20 June 2013; no responses were received. A report was taken to the executive councillor for Adult Care, Health and Children's Services on 9 August 2013, who approved the recommendation to revoke the expansion proposal.

11 In order to meet the demand for places in the Spalding area, the LA is building a new one form entry school, with a PAN of 30, on the same site as the proposed 'split site' expansion. It is also supporting the establishment of a free school, operated by the Phoenix Family of Schools Multi Academy Trust (the Phoenix Trust), which is planned to open in September 2014 with a PAN of 60. This organisation is well established in the area, successfully operating three primary academies in Lincolnshire.

12 Building work on the new one form entry school commenced on 14 October 2013, with a contract completion date of July 2014. The LA started the process to select an operator for the new school – an academy school – in May 2013. Applications were evaluated and sent to the Department for Education (DfE) in August 2013. The LA has been informed that the DfE's sponsor approval process will be complete by mid November 2013, with ministerial confirmation following shortly afterwards.

13 In September 2013, the seven primary schools in the area had 360 places for pupils starting year R. By the close of the co-ordination process on 31 August 2013, all schools had admitted to their full published capacity – that is, a total of 360 pupils were admitted. The LA's projection is that there will be 371 year R pupils requiring places in September 2014; 381 in 2015 and 403 in 2016.

14 Of the seven primary schools in the area, after the most recent Ofsted inspections, one has been graded as 'outstanding'; two are 'good', one is 'satisfactory', and three – including the school – 'require improvement' in order to achieve a good standard of education.

Consideration of factors

15 I agree with the view of the school and the LA that the revocation of the statutory proposal following the refusal of planning consent for an expansion of the school on its current site constitutes a major change in circumstances. The matter I have considered is whether the proposed variation meets the needs of the changed circumstances. I have taken into account the plans put in place by the LA to increase, or at least maintain, the availability of sufficient places for children in the area if the school's PAN is reduced from 90 to 60.

16 With regard to the provision of sufficient primary places in the area: the LA expects a one form entry academy school and a two form entry free school to open in the area in September 2014. This will result in 90 additional places, thus more than the number no longer available at the school and may give rise to surplus capacity in year R of 49 places (11 per cent) in September 2014; 39 (9 per cent) in 2015 and 17 (4 per cent) in 2016. Moreover, the free

school is presently planning to provide year 1 places from 2014, as the LA projects a deficit of places in that year group by then.

17 The LA is confident that the new free school will open with year R and year 1 places in September 2014, but acknowledges that the funding agreement has not been signed. Accordingly, LA officers have stated that if the free school does not open in September 2014, it will ensure there is sufficient capacity in the Spalding area in year R and year 1. However, any extra capacity that is required will not be provided at the school due to planning restrictions imposed by the local district council.

Conclusion

18 I conclude that parents in the area will, as a result of expansion plans, have access to more school places at other schools to compensate for the proposed reduction in the number of places at the school.

19 I am satisfied with the LA's statement that it will fulfil its statutory requirement to provide such places that are necessary in September 2014 should the funding agreement not be signed in time for the free school to open as planned, and that the variation is needed to meet the change in circumstances since the arrangements were determined for 2014. Therefore I approve the variation proposed by the school's governing body.

Determination

20 In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the governing body, the admission authority for Spalding Primary School.

21 The variation is to decrease the published admission number from 90 to 60. I determine that for admissions in September 2014 the admission number shall be 60.

Date: 14 November 2013

Signed:

Adjudicator: Chris Kiernan