

DETERMINATION

Case reference: VAR/000620

Admission Authority: The governing body of St Mary Magdalene Catholic Primary School, Bexhill-on-Sea

Date of decision: 13 December 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 St Mary Magdalene Catholic Primary School.

The variation is to decrease the published admission number from 45 to 30. I determine that for admissions in September 2014 the admission number shall be 30.

The referral

1. The governing body of St Mary Magdalene Catholic Primary School, a voluntary aided school for children aged 4 to 11 years, (the school), which is the school's admission authority, referred a request for a variation to the Adjudicator on 15 November 2013 concerning the admission arrangements (the arrangements) for the school for September 2014.
2. The variation that has been requested is to decrease the published admission number (PAN) from 45 to 30 for the reception year (year R) in September 2014. The governing body increased the PAN at a meeting in November 2011 and the school has admitted up to 45 children in 2012 and 2013. However, the building programme, planned to provide the space required to increase the capacity of the school from 210 to 315 to enable the school to have a PAN of 45 in 2014 and future years, will not now take place.

Jurisdiction

3. 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”.

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 (the Code).

6 The documents I have considered in reaching my decision include:

- the request by the governing body of the school for an in-year variation for admissions to year R for September 2014;
- a copy of the booklet for parents seeking admission to primary schools in the area in September 2014 published by East Sussex County Council, the local authority, (the LA);
- a copy of the school's determined admissions arrangements for 2014;
- a map of the Bexhill area showing the location of the school and the seven other primary schools within a three mile radius;
- the notification letter from the governing body to the relevant bodies about the requested reduction to the PAN;
- letters from the LA and the Catholic Diocese of Arundel and Brighton (the diocese) supporting the application;
- Ofsted reports for the primary schools in the area;
- the pupil number forecast for 2014; and
- the LA's net capacity assessment for the school.

Background

7 In 2011, the LA forecast the need for extra primary pupil places in the area from September 2012. The LA and the diocese then approached the governing body of the school, requesting it to increase its PAN from 30 to 45 with effect from September 2013, and to take 15 pupils above its PAN in September 2012. The school's governing body agreed to take extra pupils above its PAN in September 2012 and to increase the PAN for September 2013 at its meeting in November 2011.

8 The LA agreed to provide the capital funding to increase the capacity of the school. A building contractor was appointed in summer 2012 and building work was scheduled to be completed by September 2013. However, planning permission was not granted until 18 March 2013. Following a meeting in July 2013 with the contractor and the diocese, the school sent a letter to the LA on 4 August 2013 expressing concern that the building work had not started.

9 The school received advice from the LA on 11 September 2013 that it was not 'an appropriate time' to start the building project, as the revised pupil number projections did not indicate a deficit of places in the area until the 2015/16 school year.

10 There are eight primary schools in the area. Three (including the school) are assessed by Ofsted as good; two 'require improvement to be good'; and one is inadequate. There are two academy schools, neither of which has been inspected to date. One is a sponsored academy, opened after the predecessor school was judged to be inadequate.

11 In September 2013, there were 420 year R places in the area. A total of 364 pupils were admitted to the eight schools, leaving 56 vacant places (13 per cent). All but two schools – the newly opened academy schools – admitted up to PAN.

12 The school is popular, and admitted 45 pupils in September 2012, and 44 in September 2013.

Consideration of factors

13 I have considered the following factors: the major change in circumstance since the school's arrangements were determined that has resulted in the admission authority seeking a variation; the LA's pupil number forecast for 2014; and whether the proposed variation would meet the change of circumstance.

14 The governing body, as the admission authority for the school determined a PAN of 45 for September 2014 in anticipation of additional accommodation being made available at the school. The governing body is of the view that there has been a major change in circumstance following the LA's decision that it would no longer fund the building programme to extend the school. The LA's net capacity assessment shows that the maximum number of workplaces available is 240, which are fully utilised following the admission of 45 pupils into year R in 2012 and 44 in 2013. I am satisfied that without the extension to the school there would be insufficient accommodation for a further cohort of 45,

15 The LA forecasts a year R cohort in the area of 380 pupils at the start of the 2014/15 school year, ten more than the current year. However, there would still be 25 surplus year R places (6 per cent) if the school's PAN reduces from 45 to 30. I accept that the LA expects to have sufficient places for year R children in the local schools.

Conclusion

16 I conclude that the LA's decision not to proceed with the building work to create sufficient space for the expansion of the school would create significant difficulties for the school should the PAN not be reduced with effect from September 2014. The governing body states that it does not have the space to accommodate another year R cohort of 45 in the 2014/15 school year, a

view that is supported by the LA's net capacity assessment. Moreover, there is spare capacity in year R in the area in the school year 2014/15. I am satisfied that I should approve the variation to reduce the PAN from 45 to 30.

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 St Mary Magdalene Catholic Primary School.

The variation is to decrease the published admission number from 45 to 30. I determine that for admissions in September 2014 the admission number shall be 30.

Date: 13 December 2013

Signed:

Adjudicator: Chris Kiernan