

DETERMINATION

Case reference: VAR/000606

Admission Authority: The Governing Body of St Catherine's RC Primary School, Farington, Lancashire

Date of decision: 15 July 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 of St Catherine's RC Primary School Farington for September 2013. I approve with modification the variation to the admission arrangements determined by the Governing Body of St Catherine's RC Primary School, Farington for September 2014.

I determine that for admissions in September 2013 the admission number shall be 30. I determine that for admissions in September 2014 the admission number shall be 30 and the seventh oversubscription criteria shall be removed.

The referral

1. The governing body of St Catherine's RC Primary School, Farington has referred variations to the Adjudicator about the admission arrangements for St Catherine's RC Primary School (the school), a voluntary aided school, for September 2013 and September 2014. The requests are to decrease the admission number in both years; to reduce the number of pupils admitted from 34 to 30.

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 variations are 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 chair of governor's form of referral of 10 June 2013 and supporting documents;
 - b) the determined arrangements for 2013/2014 and 2014/2015 and the proposed variation to those arrangements;
 - c) a copy of the Lancashire County Council's, the local authority (the LA) booklet for parents seeking admission to schools in the area in September 2013 ; and
 - d) a copy of the Ofsted report on the school.
5. In addition to considering the matters raised for the variations I have also reviewed the admission arrangements as a whole and considered whether I should use my power under section 88E(6) of the Act to modify the variation.. I am using my powers under the Act to make further a modification to the variation..

Background and consideration of factors

6. The school is a smaller than average primary school that was judged inadequate and in need of special measures when inspected by Ofsted in October 2012. The latest net capacity assessment for the school is 210.
7. The school's published admission number (PAN) is 34 and is considered to be a difficult number of pupils for class organisation, particularly in Key Stage 1 where there is a limit on class sizes of 30 by virtue of The School Admissions (Infant Class Sizes) (England) Regulations 2012.
8. At the time of the inspection the deputy head teacher was acting as head teacher for the second time in that year as the head teacher was absent through illness. Ofsted reported that action to improve the school's effectiveness has been started several times over a number of years but had not been sustained. Difficulties in staffing, particularly at senior levels, had resulted in the school's lack of direction or steer for improvement. A new associate head teacher will start at the school in September 2013, she has requested, through the governing body, the variations as part of the plan to help move the school from special measures.
9. Not all the information desirable when considering a request for a variation has been available. The school has been quite frank in its response as follows:

"Please bear in mind when reading the following that the school is in a difficult position when trying to ascertain certain information – an interim leadership team is in place since the school went into Special Measures, the head has resigned. A new Associate Head will be in place in September 2013. The

school secretary has left and has been replaced recently. Paperwork is very patchy and records not fully kept. Information may therefore seem patchy.”

10. The admission arrangements for September 2013 and 2014 show the PAN and oversubscription criteria as follows:

“Having consulted with the LA and others in accordance with the requirements of the law, the Governing Body has published its admissions limit at 34 pupils for the school year commencing September 2014.

Pupils who are admitted to the School will enter the reception Classes in September 2014 in line with existing School policy. As required by law the Governing Body will ensure no more than 30 pupils are present in any one Reception or Infant class at any one time apart from the legal exceptions to this policy.

Over-subscription Criteria

Where the number of applications exceeds the number of places available the Governing Body will apply the following over-subscription criteria;

1. Baptised Catholic looked after children and previously Looked after Children.
2. Baptised Catholic children living in the Parish of St Catherine Laboure.
3. Baptised Catholic children who have a brother or a sister at the school at the time of likely admission. This includes full, half or stepbrothers and sisters, adopted and foster brothers and sisters or children of the parent/carer’s partner, and in every case who are living at the same address and are part of the same family unit.
4. Baptised Catholic children living in other Catholic parishes.
5. Looked after children and previously Looked After Children who are other than Catholic.
6. Children who are other than Catholic who have a brother or a sister at the school at the time of likely admission. This includes full, half or stepbrothers and sisters, adopted and foster brothers and sisters or children of the parent/carer’s partner, and in every case who are living at the same address and are part of the same family unit.
7. Children who have attended St Catherine’s Independent Nursery
8. Children from other Christian denominations. Proof of Baptism in form of Baptismal Certificate or confirmation in writing that the applicant is a member of their Faith community from an appropriate Minister of Religion is required.
9. Children of other faiths. An appropriate Faith Leader would need to confirm in writing that the applicant is a member of their faith group.
10. Children whose parents express a preference for a place at the school.”

11. The independent nursery has been included in the arrangements for approximately the last 8 years. It offers full days, 8.00 am till 6.00pm, for a flat rate of £32 per day, half days (8.00am till 12 noon, 1.00pm till 5.00pm) for £19 per day, and free funded hours of 8:30am until 11:30 am and 1:30pm till 4:30pm. The school charges £8,000 per annum for the use of premises. Admissions arrangements for the nursery state that it is open to all children of 3 years old as soon as a place becomes available. There is no other criterion.

Consideration of Factors

Among the factors I have considered are the following:

The “major change in circumstances”

12. The school has had significant challenges in the recent past which Ofsted identified as requiring special measures to address. In particular, the difficulties of admitting pupils in excess of class size limit have made / will make for operational difficulties. I accept that the organisation of classes and deployment of teachers will be more efficient with a class size of 30.

The availability of alternative provision

13. The school provided details of pupils admitted to primary schools within a three mile radius. Of 35 schools named, 18 schools had not admitted up to their admission number. This included several other Roman Catholic primary schools. I think then adopting this lower PAN will not cause undue hardship for parents seeking places.

Pattern of admissions in recent years

14. Past Pupil Numbers

	Admission number	Number admitted	Number of applications	Number of appeals
2009/2010	34	37 (cohort now 31)	37	0
2010/2011	34	36 (cohort now 30)	38	6
2011/2012	34	35	32 first preference	0
2012/2013	34	32 (cohort now 31)	31 first preference	0

15. The school reports that numbers have dropped significantly in recent years, more sharply following the special measures judgement. There has been limited information available about oversubscription in the past due to the various difficulties the school has had. For 2013 applications were considered as follows:

Oversubscription Criterion	Applications
1	0
2	9
3	7
4	12
5	0
6	5
7	8
8	2
9	0
10	30

In fact there are 29 pupils for September 2013.

Projected pupil numbers in the area:

16. The LA report projected pupil numbers for the area surrounding the school.

Projected Pupil Numbers for Schools within a 3 mile radius of St Catherine's	Jan 2013	Jan 2014	Jan 2015	Jan 2016	Jan 2017	Jan 2018
Total Forecast to be Admitted into reception year	1135	1162	1064	1253	1164	1164
Total Forecast for Number on role	7427	7604	7638	7502	7756	7974
Births in Area	1210	1234	1129	1331	1236	1236

The LA comments; *“From information contained in the District's 5 Year Housing Land Supply documents, we are expecting in excess of 2,026 houses to be built in the next 5 years within 3 miles of St Catherine's Primary School. This is forecast to yield an additional 344 children within 5 years. Taking in to account this additional housing and other migration in to and out of the area, we forecast there to be 8430 children requiring a school place within 5 years. Known school expansions increases the space within schools to 8,490.”*

View of the Local Authority

17. The LA is aware of increasing demand for primary places in the Leyland area for 2015 but has yet to establish whether or not this will be temporary or permanent. At this time there is no objection to the governing body proposing the variation to have a lower PAN (from 34 to 30).

18. The LA ask that it be noted however, that in relation to the capacity of the school buildings and if local demand rises, the LA may approach the governing body about additional admissions.

Responses from relevant bodies to notification about the proposed variation.

19. The view of the Diocese of Liverpool is that the proposal is a reasonable and sensible modification in order to normalise the school's admission number while meeting the demand for school places from Catholic children living within the parish of St Catherine Labouré

Deadline for Applications

20. I have considered the deadline for application for school places for both years; clearly the deadline for September 2013 has passed. There are however only 29 pupils due for admission in September. The variation will enable the school to deal with the challenges it faces without the additional difficulty of in- year admissions taking the class size over 30.

Modification of other parts of the admission arrangements for September 2014

21. Category 7 of the oversubscription criteria is "Children who have attended St Catherine's Independent Nursery". I sought information on this criterion to ensure it complied with requirements of the Code. The response from the school was that both the nursery and the school thought that it had been removed from the criteria. As it may well not comply, at the request of the governors I am using my powers under 88E(6) of the Act to modify the variation to include the removal of the seventh oversubscription criterion from arrangements for September 2014.

Conclusion

22. The school has an admission number which is difficult to manage in that if all places were filled in Key Stage 1 each class would have four more pupils than was permitted under the Infant Class Sizes legislation. The school has faced a number of challenges in the past, culminating in being placed in special measure following an Ofsted inspection. The school believes, and I agree, that an admission number that is the same as class size limit will assist in bringing about improvement in provision and standards at the school.

23. In addition, the oversubscription criteria included a priority, an independent nursery, that may have not complied with the Code. I have modified the variation requested to the arrangements for 2014, with the agreement of the school, to remove that criterion.

Determination

24. 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 of St Catherine's RC Primary School, Farington for September 2013. I approve with modification the variation to the admission arrangements determined by the Governing Body of St Catherine's RC Primary School, Farington for September 2014.

25. I determine that for admissions in September 2013 the admission number shall be 30. I determine that for admissions in September 2014 the admission number shall be 30 and the seventh oversubscription criteria shall be removed.

Dated: 15 July 2013

Signed:

Schools Adjudicator: Miss Jill Pullen