

DETERMINATION - Variation

Case reference: VAR/000553 - 555

Admission Authority: Liverpool City Council

Date of decision: 9 December 2011

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variations to the admission arrangements determined by Liverpool City Council.

I determine that for admissions in September 2012 the Planned Admission Number for Leamington Primary School shall be 60.

I determine that for admissions in September 2012 the Planned Admission Number for Wellesbourne Primary School shall be 50.

I determine that for admissions in September 2012 the Planned Admission Number for Anfield Infant School shall be 90.

The referral

1. Liverpool City Council (the LA) has referred a variation to the Adjudicator about the admission arrangements for Leamington Primary School (Leamington), for Wellesbourne Primary School (Wellesbourne) and for Anfield Infant School (Anfield), all community schools for September 2012. The request is that their Planned Admission Numbers (PANs) should be increased.

2. As all three schools are located in the same general area and the arguments are very similar, I have considered the cases together.

Jurisdiction

3. 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”.

4. I am satisfied that the proposed variations are 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:
 - a. the LA's letters of referral of 15 November 2011 and supporting documents, including minutes of the relevant Governors' meetings;
 - b. the determined arrangements for 2012/2013 and the proposed variations to those arrangements;
 - c. a copy of the LA's booklet for parents seeking admission to schools in the area in September 2012 ;
 - d. a copy of the letter notifying and consulting the appropriate bodies about the proposed variations, together with the one response received.
 - e. maps of the local area.

Background and consideration of factors

7. Leamington had its PAN reduced to 56 in 2009 in order to address surplus places. However, applications for places in 2011 showed a significant and unexpected increase in demand, which is expected to be repeated for 2012 and is projected to continue. In 2011 107 pupils applied for the 56 places and four pupils were admitted to the school following an appeal by their parents.
8. Wellesbourne had its PAN reduced to 45 in 2009 in order to address surplus places. However, applications for places in 2011 showed a significant and unexpected increase in demand, which it is expected will be repeated for 2012 and is projected to continue. In 2011 96 pupils applied for the 45 places, and five pupils were admitted to the school following an appeal by their parents.
9. Anfield had its PAN reduced to 70 in 2006 in order to address surplus places. However, applications for places in 2011 showed a significant and unexpected increase in demand, which is expected to be repeated for 2012 and is projected to continue. In 2011, 152 pupils applied for the 70 places and 15 pupils were admitted to the school following an appeal by their parents.

Capacity

10. Each of the schools already has the physical capacity and the staff to accommodate the proposed rise in the PAN.

Appeals

11. The LA believes that as the schools have the space and the staff to accept children above the current PAN, it is probable that parents appealing in 2012 will also have their appeals allowed, at least up to that number. The LA maintains that an increase in the PAN of these schools, albeit a relatively small increase, would save some parents having to go through the appeals process, and would save significant resources.

12. One further argument is that an increase to the PANs will provide greater equity for pupils who might not gain a place and, as a result, be placed on a waiting list. Last year the pupils who gained a place by lodging an appeal were not necessarily the highest applicants on the waiting list.

13. In the case of Anfield, some pupils gaining a place on appeal were not on the waiting list, and some came in as late applicants. Furthermore, an increase in the PAN might allow more of the nursery children seeking a place to be admitted, and will bring the Infant School PAN in line with the Junior School to which pupils naturally transfer.

14. I believe that the LA makes a fair case which has been strengthened by the Independent Appeals Panel who lodged its concern with the LA about the rationale of putting families through an appeals process in such circumstances.

Impact on other schools

15. Most of the other schools in the area are themselves over subscribed. However, a few are not and are already planning to reduce their PANs as they have had issues with attracting pupils for some years.

16. Ranworth Primary School has particular problems with a PAN of 28, but where only 14 children were admitted this year. This was the only school to respond to the consultation. The school did not oppose the proposed PAN increases, but asked that its situation be considered. As a result, officers of the LA are in contact with the school in order to support and help the senior leadership team to market the school more proactively, particularly in relation to securing links within the Early Years sector.

Conclusion

17. The requests for an increase to each of these PANs seems at first sight to be so small that it one might query whether a formal Variation was necessary. However, I understand and fully accept that at a time when LAs are having to reduce their budgets and eliminate waste, setting up appeals panels if they can be avoided is not to be encouraged.

18. I am particularly persuaded by the more human arguments. I accept that panels are likely to allow appeals if the schools have the capacity to take the extra pupils. I do not see why parents and their children should have to appeal simply because of a reduced PAN when the school has places available. And I can understand the LA's argument that to increase the PANs as they request would make more places to be offered by a proper application of the oversubscription criteria.

19. It is in this particular human situation and because of the current financial challenges facing LAs that the LA believes that there has been 'a major change in circumstances'. I am persuaded that I should approve the variations.

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variations to the admission arrangements determined by Liverpool City Council.

I determine that for admissions in September 2012 the Planned Admission Number for Leamington Primary School shall be 60.

I determine that for admissions in September 2012 the Planned Admission Number for Wellesbourne Primary School shall be 50.

I determine that for admissions in September 2012 the Planned Admission Number for Anfield Infant School shall be 90.

Dated: 11 December 2011

Signed:

Schools Adjudicator: Dr Stephen Venner