

DETERMINATION

Case reference: VAR/000504
Admission Authority: Liverpool City Council
Date of decision: 6 May 2011

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Liverpool City Council. I determine that for admissions in September 2011 the admissions arrangements for Rudston Junior School shall be varied to reduce the Published Admission Number (PAN) from 90 to 60.

The referral

1. Liverpool City Council (the Council) has referred a variation to the Adjudicator about the admission arrangements for Rudston Junior School for September 2011. The requested variation is to change the planned admission number, consequential on the removal of temporary classrooms in order to create space for the construction of children's centre and in recognition of a fall in demand for school places in the area.

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"*.
3. I am satisfied that the proposed variation request 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 documents I have

considered in reaching my decision include:

- the Council's referral form and supporting documents received on 4th April 2011;
- the determined arrangements for 2010/2011 and for 2011/2012, and the proposed variation to those arrangements;
- a copy of the Council's booklet for parents seeking admission to schools in the area in September 2011; and,
- background information covering the LA's consultation of appropriate bodies about the proposed variation and applications to the school.

5. In addition to considering the matters raised for the variation I have also reviewed the admission arrangements as a whole with regard to their compliance with the Code. I do not consider it is necessary for me to use my powers under the Act to impose further changes to the arrangements.

Background

6. The background to this request is straightforward. Liverpool has experienced, and continues to experience, a general decline in population with a concomitant reduction in demand for school places. This has led to a series of projects to close, or reduce the size of schools whilst seeking to enhance the quality of the remaining provision.
7. Rudston Junior School was built as a two form entry school but was previously expanded to allow a PAN of 90 by placing temporary classrooms on the site. In recent years intakes have declined and since 2007 have fluctuated between 51 and 64. Its main feeder school, Rudston Infant – which occupies an adjacent site, recently reduced its intake to two forms of entry. Self evidently this will tend to consolidate demand for the junior school at the lower level. The Council decided to take this opportunity to remove the temporary classrooms and replace them with a new-build children's centre thus achieving a rationalisation of the schools estate and providing enhanced early years and community facilities.

Consideration of Factors

8. Variations can be requested when they are necessitated by a major change in circumstances and appropriate bodies have been notified. In this case the building work and change of use of part of the site does represent such a change in circumstances – although it was clearly not unexpected or unplanned, the reduction in the PAN of the school would be difficult to justify whilst its physical capacity remained sufficient for half as many children again. The Council were not sufficiently confident in the latter part of 2009 that the project would go ahead to adhere to the normal timeframe for consultation and determination of the PAN for September 2011. Nevertheless the project and the Council's intention to seek a variation in the PAN at a later stage were flagged up during that process.

9. There is a potential difficulty, in that the Code says admission authorities “**must not** [refer a variation to the Adjudicator] once the deadline for applying for a school place has passed, unless a major change in circumstances makes this unavoidable.” (Paragraph 4.26 page 61). The common deadline for primary phase applications in Liverpool was 17th January so the request would appear to have been submitted very late. The reason for this rule is obvious. Parents seek places for their children, and their order of preference between schools, on the basis of the arrangements in force at the time they complete the application form. If the criteria for decisions on who should be offered a place are subsequently changed to their disadvantage parents will rightly be aggrieved.

10. However the particular circumstances of this case are slightly different. Liverpool has a mixed system with mainly 3-11 primary schools and a small number of pairs of linked infant and junior schools. Admission to the junior schools at Year 3 is operated on an assumption that all children in Year 2 in the linked infant school will transfer. A more relaxed timescale is operated and, in Rudston’s case, parents have been given until 22nd June to give formal notice of their wishes. There are currently 59 children in Year 2 at Rudston infant, all of whom are expected to transfer; and no external applications to join the junior school were received during the general primary admissions process. Initial offers were sent out on 26th April. It is therefore clear that no difficulties, of the kind paragraph 4.26 is intended to forestall, could now arise.

Conclusion

11. This request arises from a change to the physical capacity of the school that was not made until after the admissions arrangements were determined. There have been no objections and no identifiable parents will suffer disadvantage. I therefore consider that the variation should be approved and I so determine.

Determination

12. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Liverpool City Council. I determine that for admissions in September 2011 the admissions arrangements for Rudston Junior School shall be varied to reduce the Published Admission Number (PAN) from 90 to 60.

Dated: 6 May 2011

Signed:

Schools Adjudicator: Alan Parker