

DETERMINATION

Case references: VAR/000492 and 493

Admission Authority: London Borough of Hillingdon Council

Date of decision: 31 March 2011

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I reject the variations proposed to the admission arrangements determined by the London Borough of Hillingdon

I determine that for admissions in September 2011 the admission numbers for the following schools shall be as shown.

- **Whitehall Infant School - 90**
- **Whitehall Junior School - 90**

The referral

1. In a communication submitted to the Office of the Schools Adjudicator (OSA) on 30 November 2010 a representative of the Council of the London Borough of Hillingdon (the Borough Council) referred a set of proposed variations to their admission arrangements for 2011. These variations related to the admission numbers of seven schools.
2. The Borough Council had previously agreed statutory proposals for the expansion of these schools in 2012, conditional on the Schools Adjudicator agreeing changes to their admission numbers for September 2011. The changes to the admission arrangements for five of the schools were approved by the Schools Adjudicator in February 2011.
3. The governors of two of the schools, Whitehall Infant and Junior Schools, had appealed to the Schools Adjudicator about the statutory proposal that they be enlarged. The variation request associated with that proposal could not be determined before a decision on the enlargement proposal had been reached. On 3 March 2011 the OSA published the decision that the enlargement for 2012 admissions should be approved. The present decision relates to the modification to the admission arrangements for 2011 admissions which the Borough Council has proposed in order to give early effect to the enlargement.

Jurisdiction

4. 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 [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'.

5. In the Council's view, which I share, the decision to increase the intake to these schools and the associated increase in projected pupil numbers represent a major change of circumstances. This has led the Borough Council to refer this matter. I consider that the proposed variations are within my jurisdiction.

Procedure

6. Whilst these variations have been submitted separately, in the interests of efficiency and clarity I have dealt with them here together.
7. In considering this matter I have had regard to all relevant legislation, guidance and the School Admissions Code.
8. The documents I have considered in reaching my decision include the following.
 - The referral documentation.
 - The determined arrangements for 2011 and the proposed variation to those arrangements.
 - Minutes of the Council's Cabinet meetings at which the demographic matters and the organisational response were considered.
 - Records of the consultations conducted by the Council with the governing bodies and other interested parties.
9. I have had the benefit of additional background briefing on the demographic factors provided by Council officers at my request.
10. On 27 January I visited the Schools in connection with the statutory proposal that they be enlarged with effect from September 2012. I met the head teachers and representatives of the governing bodies and of the Borough Council. I was afforded an opportunity to view the sites and buildings of the Schools, and to see the plans of the proposed new buildings. Whilst this visit did not relate specifically to the variations proposed for 2012 admissions, it did enable me to see the situation at first hand.
11. On 3 March the OSA, at my request, advised the Schools and the Borough Council that I was minded not to allow these variations. Responses were received by 25 March 2011. I have taken these into account in reaching this decision.

Consideration of Factors and Conclusion

12. The Council is implementing plans to make additional primary school provision to meet projected increase in pupil numbers occasioned by a rising birth rate. The statutory proposals, referred to above, to expand a number of primary schools for 2012, constitute a major component of its response.
13. The increase in pupil numbers has, however, accelerated and the total numbers grown, apparently as a result of other factors relating to the local economy, including a significant increase in net migration into the Borough. There is a clear duty on the Council to make provision for all school age children in the Borough, and the overall growth in pupil numbers appears to be clearly established. Failure to expand these schools is likely to lead to a position where a significant number of children would be required to undertake undesirably long journeys to school. On this basis the other variations to admission arrangements for 2011 were approved.
14. I recognise that the variation requested for the Whitehill Schools would complement the statutory proposals agreed by the Council and by the Schools Adjudicator in that it allows the communities served by these Schools to benefit from the expansions with effect from this year. This will help meet basic need, while also improving the extent to which parental preferences can be met, and reducing the need for young children to undertake undesirably long journeys to school across what is a densely populated and busy part of outer London.
15. I am, however, concerned that the building works on the site of these Schools occasioned by the approval of their expansion for 2012 will add to the pressures on what is already a busy and restricted site, giving rise to significant complications in the management of the site and concerns about pupil safety.
16. The governors of the Schools have expressed opposition to the variation in part, at least, because of the site safety issues.
17. The Borough Council have expressed concern that a failure to increase the intake to Whitehall Infant School could cause inconvenience and disappointment for some families. This is a real possibility, but I note that Whitehall Infant School is able to admit all children whose parents identified it as their first preference for admission in September of this year, and that the Borough Council is pursuing with at least one other school the possibility of alternative additional provision for 2011-12.
18. I have concluded that the safety and site management consideration must prevail in these circumstances and that the variation request which would have the effect of increasing the admission number of the Schools by 30 for September 2011 should not be allowed.

Determination

19. In accordance with section 88E of the School Standards and Framework Act 1998, I reject the variations proposed to the admission arrangements determined by the London Borough of Hillingdon

20. I determine that for admissions in September 2011 the admission numbers for the following schools shall be as shown.

- Whitehall Infant School - 90
- Whitehall Junior School – 90.

Signed:

Andrew Baxter
Schools Adjudicator

31 March 2011