

DETERMINATION

Case reference: VAR/000509

Admission Authority: The Governing Body of Holy Rosary Catholic Aided Primary School, Burton-on-Trent, Staffordshire

Date of decision: 27 June 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 Holy Rosary Catholic Aided Primary School.

I determine that for 2011/12 the published admission number shall be increased from 30 to 40.

The referral

1. The Governing Body of Holy Rosary School, ("the School") has submitted a request for an in-year variation to its admission arrangements for the school year 2011/12 to the Office of the Schools Adjudicator. The School seeks to increase the published admission number (PAN) from 30 to 40.

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 is within my jurisdiction

Procedure

4. In considering this matter I have had regard to all relevant legislation, guidance and the School Admissions Code.

5. The documents I have considered in reaching my decision include:
- The Governing body referral and the proposed variation to those arrangements;
 - The determined arrangements for Holy Rosary Catholic Aided Primary School for 2011/12
 - The document '*Information about admission policies: Catholic primary Schools In Staffordshire*';
 - the Governing Body Resolution to increase the PAN dated 8 April 2011
 - A copy of the letter consulting the relevant bodies about the proposed variation dated 28 April 2011
 - responses from those notified of the school's wish to vary its arrangements, including comments from the Staffordshire County Council ("the Council") and the Diocese of Nottingham;
 - a map showing primary and secondary schools in the area;

Consideration of Factors

6. Under section 88E of the School Standards and Framework Act 1988 an admission authority may only refer a proposed variation to admission arrangements, which are to apply for a particular school year, to an adjudicator where they consider that there has been a major change in circumstances. They must not do so once the deadline for applying for a school place has passed (paragraph 4.26 of the Admissions Code) unless this is unavoidable. I am satisfied in this case that the admission authority could not have referred this proposed variation before the deadline for applications had passed. I now need to consider whether the variation has been properly referred because there has been a major change in circumstances.

7. The School cites a dramatic increase in pre-school population in Burton on Trent and contends schools were only made aware of the situation when admissions information was provided to schools in February of 2011. The number of children applying for the 30 available places at the School has increased annually and reached seventy four first choice applications this year. This has led to an unprecedented number of children being refused a place into the Reception class, at least twelve of whom have either a sibling or preschool link to the School. The School is applying to change the PAN due to this 'unforeseen change in circumstance' i.e. of a large influx of pupils into the area.

8. The Headteacher and Governors have given much thought to the implications of such a change and have confirmed that the School will be able to accommodate the extra children by using mobile classrooms using funds donated by the Diocese and thus without additional costs to the Council. The

School states that it is aware of the cost implications over the next few years and has planned for this and will be able to staff the extra class from its current budget.

9. The School states that Burton has a lack of faith schools with only two Catholic primaries, both of which are oversubscribed and the nearest Church of England primary school is also oversubscribed. The remaining faith schools with places available are a considerable distance away from where the majority of families in the local community.

10. In the School's view the Council had not planned for this influx of children sufficiently for 2011/12 and as the co-ordinating authority, it did not provide sufficient warning of increased numbers of applicants in the local area.

11. The School acknowledges that the Council is already considering options to increase provision for 2012/13.

12. The Council confirms that following discussions with the school and the Diocese, it has agreed that the school could admit 10 additional reception pupils in September 2011.

13. The Council continues to monitor demographic data and where the projected level of demand for places exceeds supply for 2012/13 the Council is proposing to increase the provision of primary school places. However it does not envisage a future need for additional places in the Winshill area.

14. It acknowledges that Holy Rosary is a popular school and has the capacity to accommodate 10 extra children in September 2011 but states that there is insufficient accommodation for a permanent increase in PAN. To meet the demand from parents for faith based schools it has plans to increase provision at another Catholic school in the town.

15. The Diocese has confirmed that it is happy to support the School's requested variation to admission arrangements for the autumn term 2011. The Diocese does not have any additional funds to offer the school for any future accommodation improvements.

Conclusions

16. I accept that there is a case for making the proposed change in the school's PAN for 2011/12 due to the unforeseen circumstances that pertain this year and that the variation is required and practically achievable and will not have any adverse affect on other local schools. In future years the admission authority will determine the PAN when determining the admission arrangements, in conjunction with the Council.

17. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Holy Rosary Catholic Aided Primary School.

18. I determine that for 2011/12 the published admission number shall be increased from 30 to 40.

Dated: 27 June 2011

Signed:

Schools Adjudicator: Mrs Carol Parsons