

## **DETERMINATION**

**Case reference:** VAR/000548

**Admission Authority:** St Osburg's Catholic Primary School,  
Coventry

**Date of decision:** 9<sup>th</sup> December 2011

### **Determination**

**In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements proposed by the Governing Body of St Osburg's Catholic Primary School. I determine that for admissions in September 2012, the admission number for St Osburg's Catholic Primary School shall be 30.**

### **The referral**

1. The Governing Body of St Osburg's Catholic Primary School has referred a variation to the Adjudicator about the admission arrangements for St Osburg's ("the School"), a Catholic voluntary aided Primary School, for September 2012.
2. In negotiation with Coventry City Council ("the Council"), the school's Governing Body agreed, at a consultation meeting on 13 January 2010, to the Council's request to increase the admission number from 30 to 45 for entry in September 2012 on the understanding that the Council would be able to provide adequate resources to increase the school's accommodation. It transpired that adequate resources were not made available and the governing body of the School wish to return to the 2011 admission number of 30.

### **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 variation is 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:

- minutes of the consultation meeting between the Council and the School held on 13 January 2010;
- a copy of the Council's booklet for parents seeking admission to schools in the area in September 2012;
- the completed request for an in-year variation proforma which was completed by the Council on behalf of the School;
- an email dated 24 November, 2011, from the School's Headteacher; and
- the latest Ofsted inspection report on the work of the School (February 2011).

### **Consideration of Factors**

7. Among the factors I have considered are the following:

- the pattern of admission to the School in the recent past;
- the capacity assessment of the School; and
- what is the "major change in circumstances" that has resulted in the admission authority seeking a variation and whether the proposed variation would address the problems arising from the change of circumstances.

8. In recent years the School has been oversubscribed with an average of 57 applications for the 30 available places over the last four years. The total number on roll in February 2011 was 215 (OFSTED report of February 2011) which is consistent with the school's latest net capacity assessment of 210. The admission number has been 30 for the previous five years.

9. The Council requested that the school increase its admission number from 30 to 45 and a consultation meeting was held at the school on 13<sup>th</sup> January 2010 at which this proposal was discussed with governors, staff, parents and the community.

10. The Headteacher has summarised the outcome of this meeting as follows "*The governing body agreed in principle (to the Council's request) if adequate resources were allocated to the School to increase the floor space of the foundation block – which would be needed to take an extra 15 places.*" The increased admissions number was duly incorporated into the School's

agreed admission arrangements.

11. In the booklet, "Primary Education in Coventry 2012. Information for Parents", the Council published an admission number of 45 for admission in 2012 but with the proviso "*The school have applied to the School Adjudicator to reduce this to 30. The application result will be available in the autumn from the school*".

12. The extent of the work needed to bring the space in the foundation block back into use proved to be much greater than had been anticipated and greater than the "adequate resources" sought from the Council. The Headteacher wrote "*After several surveys it was discovered that not only did the current foundation block need to increase (in) floor space but also (needed) extensive repairs and refurbishment to make it fit for purpose*". The governing body of the School believed that, in light of this, it would not be feasible for the School to admit 45 pupils in 2012.

13. The governors of the School consequently applied to the Office of the Schools Adjudicator for a variation to return the admission number to 30.

### **Conclusion**

14. I am clear that in the governors' minds the agreement to increase the admission number was resting on the provision or refurbishment of additional accommodation. This was not forthcoming. The governing body of the School considered this to be a major change in circumstances and wish to reduce the admission number to that of previous years. The Council published the increased number but with a warning to parents and other schools that the governors were seeking to restore the status quo. The deadline for parents to express their preferences is January 15<sup>th</sup> January 2012. This allows sufficient time to ensure that parents will not be prejudiced by this variation.

15. Therefore I believe that the proposal to reduce the admission number to 30 is reasonable and approve it.

### **Determination**

16. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements proposed by the Governing Body of St Osburg's Catholic Primary School. I determine that for admissions in September 2012, the admission number for St Osburg's Catholic Primary School shall be 30.

Dated: 9<sup>th</sup> December 2011

Signed: 

Schools Adjudicator: Dr M. J. Kershaw