



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: VAR/643 and 644

Admission Authority: Royal Borough of Windsor and Maidenhead Council

Date of decision: 19 August 2014

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the Royal Borough of Windsor and Maidenhead Council, the admission authority, for Riverside Primary School, a community school, and St Luke's Church of England Primary School, a voluntary controlled school, for admissions in September 2015.

I determine that the separate designated areas for the two schools shall be merged to form one designated area shared by both schools.

The referral

1. The Royal Borough of Windsor and Maidenhead Council, the local authority, (the LA), which is the admission authority for community and voluntary controlled schools in its area, has referred a variation to the Adjudicator about the admission arrangements for Riverside Primary School (Riverside) and St Luke's Church of England Primary School (St Luke's), (the schools), for admissions in September 2015. The variation that has been requested is to change the adjacent but separate designated area for each school to be joined to become a single, larger designated area for both schools. The request for the variation was received on 4 August 2014.

Jurisdiction

2. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 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 and the School Admissions Code (the Code).

5. The documents I have considered in reaching my decision include:

- the determined arrangements of the LA for the schools for 2015 and the proposed variation to those arrangements;
- the form requesting the variation and supporting papers including the consultation and responses to consultation about the proposed change to the designated areas;
- the admissions booklet "Starting School in September 2014";
- a copy of the minutes of the meeting on 28 November 2013 at which the arrangements were determined;
- a copy of a report to cabinet dated 24 June 2014 that included the recommendation to seek a variation to the schools' arrangements and the minutes of the meeting held on 26 June 2014 at which the cabinet approved the decision to seek a variation; and
- maps of the current and proposed designated areas.

Background

6. The schools currently each have a designated, or catchment, area such that if oversubscribed the children living in the designated area have a high priority for admission to the school.

7. A new housing development of 418 dwellings in the Boulter's Meadow development is located very near Riverside, but is in St Luke's designated area. Riverside is to be expanded to have a published admission number (PAN) of 60, up from 30, the statutory process for the enlargement of the school having been completed in February 2014. Plans were already in hand to consult on changing the designated areas for the schools for admissions in 2016 to take into account the additional places and ensure appropriate priority for children living in the new houses for admission to a school. Houses in the development are being completed more quickly and occupied earlier than had been anticipated.

Consideration of Factors

8. The LA has consulted the governing bodies of the schools as required and has undertaken a consultation, not just the required notification of other relevant parties, before making its request for a variation to the 2015 arrangements. Between 6 May 2014 and 13 June 2014 the LA invited views on three options to meet the rapidly changing circumstances:

1. Combine the Riverside and St Luke's designated areas;
2. Change the border between the two designated areas.
3. Do nothing.

9. The responses indicate that: 37 were in favour of option 1; one in favour of option 2; two favoured option 3; and two made no comment. Further analysis shows that: 36 parents, one member of staff at Riverside and the local Member of Parliament all favour option 1; two neighbouring local authorities made no comment; and one unknown respondent and St Luke's favour doing nothing.

10. As the change directly involves St Luke's I have looked carefully at its response giving its view that for 2015 the LA should do nothing. I note that it appreciates the local population is growing, but raises concerns questioning whether there should be a change now or later as there may be a need to take into account other developments and how the changes would affect the school.

11. The proposed variation would mean that all the children in the St Luke's designated area from the established homes and the new houses would have priority not only for St Luke's but also Riverside at which the buildings work to provide an additional 30 places will be completed and thus the places available. Those children in the current Riverside designated area will also gain a higher priority for St Luke's if their parents wish to include that school as one of their preferences. While I accept that St Luke's has some reservations I do not consider them to be such that they outweigh the LA's proper concern to make places available for children starting school in 2015 and for their parents to know that they have priority for admission to a school within a reasonable distance of their home.

12. The LA has taken action to increase the number of places for children within its area to meet the growing demand for places. The admission authority is of the view that the faster completion of new homes and earlier occupation of those home constitutes a change in circumstances that means it needs to vary its arrangements. It has consulted on how best to amend its arrangements for 2015 to enable children to have priority for a place at a school close to their home. I am satisfied that the proposed variation should meet the changing circumstances in the area near the schools.

Conclusion

13. The LA has responded to circumstances changing more quickly than had been anticipated. It had expected to be consulting on and changing the arrangements for admission in 2016. However, it has found that earlier completion and occupation of new homes near Riverside, but in St Luke's designated area, means that it should take action in 2015 to try to ensure suitable priority for admission to a school near children's homes. I am satisfied that the requested variation should enable the LA to meet the needs of the changing circumstances and approve the variation to the 2015 arrangements.

Determination

14. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the Royal Borough of Windsor and Maidenhead Council, the admission authority, for Riverside Primary School, a community school, and St Luke's Church of England Primary School, a voluntary controlled school, for admissions in September 2015.

15. I determine that the separate designated area for the two schools shall be merged to form one designated area shared by both schools.

Date: 19 August 2014

Signed:

Adjudicator: Dr Elizabeth Passmore