

DETERMINATION

Case reference: VAR/ 533

Admission Authority: Milton Keynes Council

Date of decision: 12 October 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 Milton Keynes Council for 2012/13, for Middleton Primary School, a community primary school, to increase the published admission number from 60 to 90 with effect from September 2012.

The referral

1. Milton Keynes Council ('the Council') has made a referral to the Office of the Schools Adjudicator relating to the admission arrangements for Middleton Primary School ("the School"), a community primary school. It is requesting a variation to the 2012/13 admissions arrangements ("the arrangements") determined for community and voluntary controlled schools in March 2011, to increase the Planned Admission Number ("the PAN") of the School from 60 to 90 for Year R from September 2012.

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, guidance and the School Admissions Code.
5. The documents I have considered in reaching my decision include:

- the Council's referral of 16 August 2011 with supporting documents and Cabinet reports;
- the Council's determined arrangements for 2012/13 for Community and Voluntary Controlled Primary Schools;
- a copy of the council's booklet for parents seeking admission to schools in the area in September 2011;
- the consultation document on the expansion of Middleton Primary School, associated responses and Cabinet papers;
- Milton Keynes projections for the demand for places in the Reception Year for 2012/13;
- a Net Capacity Assessment for the School;
- a map of primary phase schools within a 3 mile radius of the School;
- Ofsted report July 2009.

Background

6. Middleton Primary School is one of a group of primary schools serving the eastern part of Milton Keynes which includes Middleton, Monkston, Monkston Park and Broughton. The Council considers that there are currently insufficient school places available for children living in these areas and as a result, some families cannot get their children into any local school. Pupil projections for the Oakgrove School area indicate that this current shortage of places is likely to continue and will be compounded by additional pupils moving into new housing development.
7. The Council looked at a range of options to address the projected shortfall of primary school places. Following an assessment of sites and discussions with the local schools, and with the full support of the governing body of the School, the Council formally consulted on the proposed expansion to create an additional 30 places per year group from September 2012.
8. A report to Cabinet on March 30th 2011, recorded the Council's views and responses to the key issues that had been raised during the consultation. There were quite natural and usual parental concerns linked to increasing the size of the School and to the possible impact of building works, and the School and Council have outlined their plans to mitigate these. A petition from 114 residents in Monkston Park supported the planned expansion which would enable families to access a local primary school. One local school, Kents Hill School, did make an objection to the proposed expansion but it was received after the deadline for responses.

9. In March 2011 a further petition was submitted from 437 residents in the immediate area around the School against the proposal to expand, based on concerns about increased traffic and parking problems. The Council commissioned further work by officers to address the specific traffic management issues which had been raised and asked for proposals to be put forward to address the concerns of residents, before a final decision was made on the expansion plan proposal, by Cabinet in June 2011. It was then agreed to proceed with the publication of a statutory notice to expand the School with effect from 1 September 2012, conditional on approval of the required capital funding to support the scheme and a report about traffic management.
10. A statutory proposal was published on 14 April 2011 and a final report on the proposal to expand the School was submitted to Cabinet on 14 June 2011. It noted a series of actions relating to parking and traffic interventions that the Council proposes to take forward to ensure that traffic issues will not be exacerbated by the School expansion. It further notes and confirms the availability of the necessary capital funding from Section 106 developer contributions and from the education capital programme. An appendix to the report notes the detailed responses from the Council to the other issues raised and provides clear evidence that both the School and the Council are actively responding to issues raised within the community.

Consideration of factors

11. The Council determined its arrangements for Community and Voluntary Controlled Primary Schools for 2012/13 in March 2011 and confirmed the Published Admission Number (PAN) for each school, as required. The Council is now seeking to vary its determined arrangements because in its view there has now been a significant change of circumstances. This is linked to the outcome of its extensive consultation with stakeholders to increase the PAN from 60 to 90 from September 2012.
12. The Council has advised me that the statutory expansion process could not be completed before admission arrangements for 2012 were determined, and it is seeking an in year variation now that the outcome of the statutory expansion process is known. The outcome of its consultation was not reported to Cabinet until 20 June 2011 and the Council states that had it consulted on increasing the PAN in advance of this, as part of its consultation to determine arrangements for 2012/13, it could have been seen by the consultees as prejudging the expansion process. I accept that due to the timing of the consultation process, information from it was not available to the Council when it determined its arrangements.
13. The Council has calculated its projection of primary school demand for places using live birth data for the relevant catchment areas and adding any housing growth within those areas during the relevant period. Past analysis indicates that 99% of the children born in the area will seek a

place in a Milton Keynes school. The Council anticipates that there will be a rise in demand for primary school places due to both demographic and housing growth.

14. A development of 1105 houses within the catchment area for Middleton Primary School will start to be occupied and additional provision is planned to serve that development, which, combined with the expansion of Middleton Primary school to 90 places, is projected to be sufficient to serve the local area. Six other local primary schools within a 3 mile radius are all completely full to their PAN for September 2011 and maintain waiting lists of between 1 and 35.
15. The average demand at this group of schools in the Oakgrove area over the next 5 years is likely to be for 247 places but there are currently only 180 places available. St Bernadette's Catholic Primary School in Monkston currently admits pupils from a wide area many of whom receive transport from the Council under the Faith School Subsidy. It is anticipated that future intakes may be from areas closer to the school. A review of the recent trend in admissions to St Bernadette's demonstrates that between 20 and 29 children living in the immediate area, within walking distance of the school, have been admitted to the Reception year group in the last four years. When this information is applied it is evident that at least 30 additional places will be required at Middleton. It is the Council's view that the withdrawal of the transport is therefore unlikely to impact upon future admission trends at St Bernadette's.
16. The Council has advised that there are plans in place already to accommodate approximately 40 of the 67 children who will require places. The shortfall of at least 27 places indicates the need for an additional form of entry and the Council therefore undertook an appraisal of a number of options. A report to Cabinet in March 2011 concluded that an expansion to the School could be made (subject to consultation) as there was sufficient space on the site and the proposal had the full support of the governing body.
17. The Net Capacity Assessment for the School indicates the availability of between 378 and 420 places and the admission number of 60 is at the maximum recommended for the current accommodation. However, information provided by the Council indicates that the number of applicants for the 60 available places has risen annually from 138 in 2006/7 to 210 in 2010/11, indicating an urgent need for further action by the Council to relieve the pressure on places. An extension is planned but still subject to the granting of planning permission, to accommodate the additional pupils. This extension is due to be completed by July 2013 and internal adaptations of existing space will take place in the summer of 2012 to provide an additional reception classroom. The increase in numbers will be phased year on year so the school will reach 630 pupils by 2018.

18. The increase to the PAN at the School is intended to ensure that children living in the immediate area are given priority. Changes to the school's defined area to include Monkston and Monkston Park were included in the admissions consultation for 2012 to give pupils in these areas priority over out of area applicants who would otherwise have been given a place if they lived closer to Middleton school.
19. Turning to the objection, albeit late, from Kents Hill School; the concerns of the head teacher and governing body related to the fact that the school takes 35% of its pupils from outside its catchment area and that the possibility of expansion at Middleton School could affect this pattern of intake. It is certainly the intention of the Council that families will not have to travel some distance to schools outside their local area. In its view the increase of Middleton School's PAN from 60 to 90 is unlikely to impact adversely on Kents Hill School because the number of children living in the Defined Area for Kents Hill is around 30 higher than the PAN of 60, and this trend is set to continue based on birth data. Pupil projections indicate a growing demand for places for Kents Hill School and the school is expected to continue to attract approximately 60 pupils for each new intake over forthcoming years. In addition to a steady consistent trend there is also some housing development planned in the area served by Kents Hill School, in Bedgebury Place, Kents Hill and an affordable housing scheme on Walnut Tree due to be complete by 2014 which will result in additional demand.
20. Taking account of this information at its meeting in June 2011, the Cabinet agreed the expansion of the School and in addition determined that immediate investigations should begin into the feasibility of expanding the Kents Hill site in order to provide places in the future to meet the growing demand.
21. The School provides a high quality of education and has strong leadership in place and both these facts were noted in the Ofsted inspection report of July 2009.
22. The proposal has resulted from an extensive consultation, a careful analysis of data and full consideration of responses from stakeholders. In view of the enhanced likelihood of meeting a greater number of parental preferences for schools and in reducing the number of families that have to travel some distance to schools outside their immediate area, I have concluded that this variation should be permitted.

Determination

23. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Milton Keynes Council for 2012/13, for Middleton Primary School, a community primary school, to increase the published admission number from 60 to 90 with effect from September 2012.

Dated: 12 October 2011

Signed:

Schools Adjudicator: Carol Parsons