

DETERMINATION - Variation

Case references: VAR/000517

Admission Authority: Governors of the Cathedral School of St Peter and St John RC Primary, Salford

Date of decision: 14 July 2011

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the requested variation to the admission arrangements of the Cathedral School of St Peter and St John RC Primary determined by the School's Governing Body. I determine that for admissions in September 2011 and September 2012 the published admissions number (PAN) for the school shall be increased from 21 to 30.

The referral

1. The Cathedral School of St Peter and St John RC Primary ("the School") has referred a variation to the Adjudicator about its admission arrangements ("the arrangements") for September 2011. The variation, being to increase the published admission number by 9 places in order to meet anticipated increased demand for school places in the area.

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. The documents I have considered in reaching my decision include:
 - the School's letter of referral of 6th July 2011 and supporting documents;
 - the determined arrangements for 2011/2012 and the proposed

variations to those arrangements; and

- a copy of the Council's booklet for parents seeking admission to schools in the area in September 2011;

5. In addition to considering the matters raised for the variations I have also reviewed the admission arrangements as a whole and considered whether I should use my power under section 88 I of the Act. I am not using my powers under the Act to make further changes to the arrangements.

Background

6. In common with many areas of the country, Salford is experiencing a rapid increase in demand for school places particularly affecting the primary phase. Meeting that demand can be achieved by opening new schools or expanding existing ones. As part of its strategy to meet growing needs, Salford Council (the LA) has decided to increase overall capacity by asking selected primary schools to increase their intake.
7. The Cathedral School of St Peter and St John RC Primary currently has a planned admission number (PAN) of 21, although it occupies buildings which could accommodate a larger number of pupils. It was therefore one of the schools approached by the LA (in consultation with the RC Diocese of Salford) to take additional pupils. The governing body, at a special meeting held on 17th June, resolved to respond positively to the request on condition that appropriate building work to expand the reception class base (classrooms used for other year groups are already of sufficient capacity) could be carried out.

Consideration of Factors

8. Self evidently, a properly taken decision to expand the school in response to the increase in demand for places does constitute a "major change in circumstances"; and the proposed variation to increase the PAN to allow the schools to admit pupils up to its new intended capacity will address the identified need.
9. The other schools in the area are all fully subscribed which lends support, if any is needed, to the judgment that increasing demand necessitates an expansion of primary places in the area. All schools within a three mile radius were informed of this proposed admission number increase but none has chosen to comment. The LA and the Salford Diocese, as the original instigators of the proposal, are naturally supportive.
10. The current net capacity assessment (NCA) for the school gives the upper end of the range as 207 places – which is just three short of what is required for an intake of 30 pupils across the seven years of the primary age range ($7 \times 30 = 210$). However, the planned works, which I am informed can be completed by September, will enable the additional pupils to be accommodated without overcrowding.

11. There is a potential difficulty in that paragraph 4.26 of the Admissions Code says *“Admission authorities . . . must not [refer a variation to the Adjudicator] once the deadline for applying for a school place has passed, unless a major change of circumstances makes this unavoidable.”* The deadline for primary applications this year was 17th January; so not only has the deadline passed but places have already been allocated. The reason for this rule is that changing the published oversubscription criteria for a school after parents have made decisions about where they will seek places for their children can be seen as unfairly ‘moving the goal posts’. However, the creation of additional places, even at this late stage in the process, will have the effect of allowing a number of those currently on a waiting list (4 at the point the request was submitted) to be offered places, whilst creating some additional spare capacity for casual admissions. Thus, in this case, there will be a direct and immediate benefit to some parents and no discernable detriment to any others. Also, clearly, the risk that some children in the area will be left without a local school place in September can only be mitigated by the creation of additional capacity. I therefore do not consider that this paragraph need represent an obstacle to approving the variation.
12. The late request for a variation does, however, mean that arrangements for admission in 2012 have already been determined with the lower PAN. It is therefore necessary for me apply this change for that year also.

Conclusion

13. This request for a variation arises from a need to create additional capacity to meet increasing demand for school places. It is supported by all key interested parties, Governors, the LA and the Salford Diocese, and has not encountered opposition from any of those who have been informed. I have identified no compelling factors that would lead me to do anything other than approve it and I so determine.

Determination

14. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the requested variations to the admission arrangements of the Cathedral School of St Peter and St John RC Primary determined by the School’s Governing Body. I determine that for admissions in September 2011 and September 2012 the published admissions number (PAN) for the school shall be increased from 21 to 30.

Dated: 14 July 2011

Signed:

Schools Adjudicator: Alan Parker