

DETERMINATION

Case reference: VAR/0000501

Admission Authority: The London Borough of Redbridge

Date of decision: 8 April 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 the London Borough of Redbridge for Loxford School of Science and Technology so that, from September 2011, the School will have two age groups in which pupils will normally be admitted, Reception and year 7, with the admission number for the Reception year being 120. The admission number for year 7 will remain at 300.

The referral

1. In a letter dated 21st March 2011, the London Borough of Redbridge (“the Council”) referred a variation to the Adjudicator about the admission arrangements (“the Arrangements”) for Loxford School of Science and Technology (“the School”), a community school, for September 2011. The Council has recently approved the expansion of the age range served by the School from 11-19 to 3-19 and are now seeking to vary the published Arrangements by introducing two relevant age groups in which pupils will normally be admitted from September 2011, Reception and year 7, with an admission number of 120 pupils for Reception. The admission number of 300 for year 7 will remain unchanged.

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 Code”).
5. The documents I have considered in reaching my decision include:
 - the Council’s variation request form;
 - papers from meetings of the Council’s Cabinet on 5th March 2010, 21st June 2010 and 10th January 2011;
 - a summary of a delegated key decision taken by the Director of Children’s Services, in consultation with the Cabinet Member for Children’s Services, on 10th March 2011 to change the age range of pupils served by the School;
 - a copy of the Council’s ‘Primary Schools Admission Booklet’ for 2011-12; and
 - a copy of a letter notifying local admission authorities about the proposed variation.

Background

6. The Council is facing a shortage of primary school places in September 2011. At its meeting on 5th March 2010, the Council’s Cabinet made a capital provision of £30m to fund new provision to address this need. This included £9.4m for the creation of new primary school places at the School “*through a new build solution on the site of the existing secondary school.*” At its meeting on 21st June 2010, the Council agreed to release £100k of funding to support preparations for this work. At the same meeting it agreed to start the consultation process for changing the age range served by the School.

7. The Cabinet meeting of 21st June 2010 also received a report from the Council’s Chief Officer (Planning and Resources) concerning detailed options for the site of the new primary place provision. This report noted that the School has recently moved to new buildings financed through the Building Schools for the Future programme and that, within the available budget, it would be possible to demolish the School’s previous buildings and locate the new build primary provision on that footprint. It was also noted that, should this option be approved, it would be highly unlikely that the new provision would be completed by September 2011. Therefore, in addition to agreeing this as their preferred option, Cabinet also made financial provision for temporary accommodation on the School’s site from that date. The Chief Officer also noted that “*as there is no change of use there would be no planning objections to placing a primary school on the site.*”

8. On 10th January 2011, Cabinet considered the outcome of the consultation exercise referred to in paragraph 6 above. A total of 325 responses were received of which the majority supported the Council’s plans. Cabinet agreed to “*publish statutory notices of the Authority’s proposal to change the age range and expand the premises of Loxford School of Science and Technology.*” The Statutory Notice was published the same day. No objections were received and, on 11th March 2011, the Council’s Director of Children’s Services used her delegated powers to determine that the proposal should be implemented. In the Council’s view, and I agree, this decision represents a major change in circumstances since the Council’s admission arrangements for the School were determined. The matter was referred to

OSA in a letter dated 21st March 2011.

9. The Council has also indicated that, for September 2018, it intends to change the admission number for year 7 from 300 to 180 so that the 120 pupils it envisages will then be in year 6 will all be able to transfer, without having to reapply for a place, to year 7. This proposal will need to be considered in light of the legislation and guidance that exist at the time and I will not consider it in this determination. The Council's existing relevant admission criteria will apply to Reception and year 7.

Consideration and Conclusion

10. The Council has provided evidence of a shortfall between the demand for and supply of primary school places. It has taken a systematic approach to addressing this shortfall, has properly consulted on its plans, and has made the necessary capital resources available. There were no formal objections to the proposal to extend the age range of the School and no representations have been made about the Council's proposal to vary its admission arrangements for the School for September 2011.

11. The temporary accommodation will be provided in the buildings of an adjacent special school which is relocating to new premises in summer 2011. Use will be made of existing accommodation such as group rooms, offices, staffroom, hall, kitchen and playground. Four of the special school's classrooms will also be used, two of which require only minimal changes with two more needing some minor (non-structural) alterations. Alterations will also be made to the toilet facilities to make them age appropriate. Rooms not required will be kept locked. There is already direct access between these buildings and the School who will also retain all existing security and access control arrangements. Whilst not ideal, these temporary arrangements have been given considerable thought and are feasible.

12. I believe that the proposed variation is reasonable and I therefore approve it.

Determination

13. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the London Borough of Redbridge for Loxford School of Science and Technology so that, from September 2011, the School will have two age groups in which pupils will normally be admitted, Reception and year 7, with the admission number for the Reception year being 120. The admission number for year 7 will remain at 300.

Dated: 8 April 2011

Signed:

Adjudicator: John Simpson