



DETERMINATION

Case reference: VAR680

Admission Authority: Birmingham City Council for Harborne Primary School

Date of decision: 4 April 2016

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Birmingham City Council for Harborne Primary School for September 2016.

I determine that for admissions in September 2016 the published admission number shall be 90.

The referral

1. Birmingham City Council, the local authority and admission authority for Harborne Primary School (the school), has referred a variation to the Adjudicator concerning the admission arrangements for the school, a community school for pupils aged 4-11 years, for September 2016. The variation requested is to reduce the published admission number (PAN) of the school from 150 to 90 as an expansion of the school premises cannot proceed as planned.

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:

“proposed variations fall within any description of variations prescribe “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 d for the purposes of this section] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations.”

I am satisfied that the proposed variation is within my jurisdiction.

Procedure

3. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).

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

- a. the local authority's form of referral of 8 March 2016 and supporting documents;
- b. the determined arrangements for 2016/2017 and the proposed variation to those arrangements;
- c. a copy of the local authority's composite prospectus for parents seeking admission to schools in the area in September 2016;
- d. documents relating to the demand for pupil places in the area, downloaded from the internet;
- e. a copy of the notice informing the appropriate bodies about the proposed variation; and
- f. correspondence and minutes of meetings from the school's governing body.

Background and consideration of factors

5. Harborne Primary School is a community school located within the Harborne ward of the Edgbaston District, an area of south west Birmingham where, the local authority reports, additional school places are needed. The school caters for pupils aged 4 to 11. Currently the school has a PAN of 90, that is, 90 pupils (3 classes) per year group. Data from the local authority show that the school is oversubscribed; in each of the last three years more than 300 applicants have been received for the 90 reception places.

6. As permitted by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, the governing body sought to increase the number of pupils admitted to the school by raising its PAN. The school is situated on Station Road in Harborne. This site is not large enough to allow expansion; an additional site at Lordswood Girls' School on Knightlow Road was identified on which to build an annex to provide the additional accommodation. Lordswood Girl's School is part of the Lordswood Academies Trust, which leases the land for its schools from the Calthorpe Trust. The Calthorpe Trust is a company in Edgbaston that owns 1600 acres of land known as the Calthorpe Estate.

7. The governing body consulted on its proposal between 3 November 2014 and 12 December 2014. Following the consultation, in February 2015, it approved a proposal to expand Harborne Primary School so that it could admit up to five forms of entry (a PAN of 150) rather than three forms of entry (a PAN of 90) with effect from 1st September 2016.

8. The local authority determined the admission arrangements for September 2016 on 3 March 2015; regulation 17 of the School Admissions (Admissions Arrangements and Coordination of Admission Arrangements) (England) Regulations 2012 and paragraph 1.46 of the Code requires an admission authority to determine arrangements by 15 April. The local authority determined arrangements for the school to include a PAN of 150 even though planning permission had not been granted for the expansion project.

9. The local authority now reports that difficulties related to the planning process have caused the building programme to be delayed. The issues include objections by residents of a recently constructed retirement village and problems of access through a number of allotments that required the agreement of the government's Department for Communities regarding the disposal of allotments. Following these objections, the Calthorpe Trust has retracted consent to the project until such issues are resolved.

10. The school does not have any spare capacity to accommodate the additional 60 places that were planned for September 2016. The local authority considers this to be a major change in circumstances and it has therefore requested a variation to reduce the number of reception places offered for September 2016 to 90. The school's governing body had met on 10 November 2015 and agreed that a request to reduce the PAN should be made.

11. The local authority published on 11 January 2016 a notice announcing an eight week consultation period concerning this request for a variation and the school also published a notice. No comments were received in response to either notice. In addition, the local authority wrote on 4 January 2016 to all parents who had expressed a preference for a reception place at the school for September 2016, informing them of the request for a variation and giving them an opportunity to revise their school preferences on their application form for a reception place.

12. I consider that the reduction in the PAN from 150 to 90 is necessary in response to the decision not to proceed with the expansion of the school. I find that the appropriate procedures were followed and that the relevant parties were notified. The school will not have the space to admit 150 pupils as was intended. I am satisfied that the proposed variation addresses the circumstances described.

Conclusion

13. The local authority set admission arrangements for the school, including an increase in its PAN, in advance of obtaining planning approval for the expansion of the school. As the expansion will not proceed for September 2016, I consider it necessary to reduce the PAN to 90 and therefore approve the requested variation.

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 Birmingham City Council for Harborne Primary School for September 2016.

15. I determine that for admissions in September 2016 the published admission number shall be 90.

Dated: 4 April 2016

Signed:

Schools Adjudicator: Jill Pullen