



DETERMINATION

Case reference: VAR668

Admission Authority: The Governing Body of Bromstone Primary School, Broadstairs.

Date of decision: 16 October 2015

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 governing body of Bromstone Primary School for September 2016.

I determine that for admissions in September 2016 the published admission number shall be 60.

The referral

1. Kent County Council, which is the local authority and was the admission authority for the school until 1 January 2015, has referred a variation to the Adjudicator on behalf of the governing body about the admission arrangements for Bromstone Primary School (the school), a foundation 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school from 90 to 60 as the intended expansion of the school will not proceed as planned; the proposal to do so having been revoked.

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”.

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.

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

- a. the local authority’s form of referral of 10 July 2015 and supporting documents;
- b. the minutes of the governing body meeting of 5 October 2015 at which the arrangements were determined arrangements for 2016/2017;
- c. a copy of the local authority’s booklet for parents seeking admission to schools in the area in September 2015 and 2016;
- d. documents relating to the proposal to expand the school and the revocation of that proposal;
- e. minutes of the meeting of the governing body where the decision to request a variation was taken; and
- e. a copy of the letter within the revocation proposal notifying the appropriate bodies about the proposed variation.

Background and consideration of factors

5. The school was a community school until 31 December 2014, after which it became a foundation school. The school is in the area of Thanet in Kent where the local authority needed additional school places. The school was a two form of entry school providing 60 places per year group. Due to the demand for extra school places in the area, the local authority brought forward a proposal to provide the school with permanent additional accommodation so it would be a three form of entry primary school from September 2014. A proposal was published 7 July 2013 to enlarge the school to admit 90 pupils from September 2014 with the consequent increase in the PAN from 60 to 90. The school had sufficient existing accommodation to admit the extra pupils in 2014 and 2015.

6. When the decision to expand the school was taken, the local authority expected “*that planning for the new school buildings would be approved*”. However when a planning application was drawn up for the additional classrooms and facilities needed to admit 90 pupils from 2016 onwards, an objection was raised by the highways department of the local authority. There was no mitigation that would allow planning permission under Part 3 of the Town and Country Planning Act 1990 to be obtained and therefore the application could not continue.

7. As the proposal could not proceed, the local authority published a

revocation notice 15 May 2015, proposing to be relieved of the duty to implement the statutory proposal to enlarge the school. The statutory representation period following the publication finished 12 June 2015. Within that consultation, the local authority informed the parties required of the request for this variation; no responses were received.

8. The school's governing body met 16 June 2015 to consider the matter. The minutes show that the "*Governors were disappointed that the school was going to have to revert to a PAN of 60 but agreed there was no alternative.*"

9. On 29 June 2015 the local authority wrote to the governing body "*Following the end of the Revocation Public Notice period, Kent County Council's Cabinet Member for Education and Health Reform, Mr Roger Gough, has taken the decision under procedures laid down in Kent County Council's constitution, not to continue with the proposed expansion of the school and to revoke the decision taken on 7 July 2013.*"

10. While the issues of possible expansion were being considered, the local authority determined the admission arrangements for its community schools for September 2016 on 7 April 2015 as it is required by regulation 17 of the School Admissions (Admissions Arrangements and Coordination of Admission Arrangements) (England) Regulations 2012 and paragraph 1.46 of the Code. The school was included in the list of schools for which arrangements were determined. This was because the local authority erroneously believed that the school had not yet become a foundation school. The school put the link to these arrangements on its website again in error. During correspondence relating to the request for this variation, this error came to light. The process was halted until the arrangements were properly determined which the governing body did 5 October 2015. The governing body determined the arrangements for the school to have a PAN of 90 because the to reduce the PAN for 2016 would have required a consultation for which the deadline has long passed.

11. The expansion work will not be going ahead to provide accommodation for three reception classes from September 2016. The local authority has provided information to show the school will not have space to admit 90 children in September 2016. The local authority reports that the decrease will not significantly impact on the primary schools in the area as there are additional places planned at other schools in the area that will provide sufficient places for the future.

12. The school will not have the space to admit 90 pupils as was intended by the expansion proposal. I am satisfied that the proposed variation addresses the circumstances described now that the expansion of the school will not take place.

Conclusion

13. I consider that the governing body properly set admission arrangements with a PAN of 90, albeit late, as it was unable to consult within the required

timescale to reduce the PAN and, as the local authority has been unable to expand the school as originally intended, the school will be unable to admit 90 pupils in September 2016. I consider it appropriate to agree the requested variation to reduce the PAN to 60 for the reasons set out in the determination above.

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 governing body of Bromstone Primary School for September 2016.

15. I determine that for admissions in September 2016 the published admission number shall be 60.

Dated: 16 October 2015

Signed:

Schools Adjudicator: Jill Pullen