



DETERMINATION

Case reference: VAR713

Admission Authority: The Royal Borough of Greenwich for Plumcroft Primary School, London

Date of decision: 27 June 2017

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 Royal Borough of Greenwich for Plumcroft Primary School for September 2017.

The referral

1. The Royal Borough of Greenwich, the local authority and admission authority for the school, has referred a variation for Plumcroft Primary School, (the school) to the Adjudicator concerning the admission arrangements for the school, a community school for pupils aged 3-11 years, for September 2017. The variation requested is to reduce the published admission number (PAN) of the school from 150 to 90 as the planned building work, the construction of an additional site in Vincent Road, Greenwich, will not be completed in time for the admission of pupils in September

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 variation prescribed] (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 and the School Admissions Code (the Code).
5. The documents I have considered in reaching my decision include:
 - a. the local authority's form of referral of 5 May 2017 and supporting documents;
 - b. the determined arrangements for 2017/2018 and the proposed variation to those arrangements, and
 - c. a copy of the local authority's composite prospectus for parents seeking admission to schools in the area in September 2017;
6. I also took account of information received at a meeting I held with officers of the local authority on 6 June 2017 at the council offices.

Background and consideration of factors

7. Plumcroft is large primary school in Plum Lane in Greenwich which was a three-form entry school, admitting 90 pupils a year. The local authority published proposals in 2013 for a significant enlargement to the school's premises so that it would become a five-form entry school. The proposals included, as legally required, an implementation date. The implementation date was set as September 2017 so that, to put it simply, the school would admit up to 150 pupils in September 2017 and each year thereafter – if enough children sought places - rather than a maximum of 90.
8. There was no space on the site in Plum Lane for a building development to accommodate this larger number so another area in Greenwich was identified to allow for the extension of the school. This second site is on the corner of Vincent and Burrage Roads (the Vincent Road site) which was occupied by accommodation used for sheltered housing. Most of these buildings had to be demolished to make the site available for building the school extension. The local authority's intention was that the new building would be open in time to cater for 60 Reception (Year R) pupils for September 2017.
9. The contractor reported in the Autumn term 2016 that the new school buildings would not be completed in time for occupation in September 2017. The local authority put plans into place for the use of temporary classrooms on the site. There were continued difficulties with the demolition of buildings and the maintenance of services to those buildings that were being retained on the site. Consequently, the head teacher, the governing body and the local authority became anxious about health and safety issues on the site should they install temporary classrooms. By March 2017, the local authority also came to the view –

presumably based on the numbers of applications for primary school places – that at 60 places additional places were not likely to be needed above the school’s existing 90, but only 30. Against that background, the local authority decided not to provide places at the Vincent Road site and to admit only 90 pupils into the Plum Lane site. The local authority explained its reasoning thus *“However, in the run-up to National Offer Day, the number of applications received for the planning area was less than anticipated and parental interest in Plumcroft School’s Vincent Road site was low. As such, we were faced with the decision to either progress with temporary accommodation on the Vincent Road site for a reduced cohort or offer places in other primary schools with available capacity within the local area.....The safety of children and staff, and the provision of good quality education provision is paramount ...we took the decision not to offer places at the Vincent road site”*

10. The offers made on National Offer Day, April 18 2017 for places in September 2017 are shown in the table below:

All Plumcroft Preferences	Children looked after	Sibling	Distance	Total
Higher preference offers	1	2	139	142
Offered Plum Lane site	1	41	47	89*
Lower preference offers			15	15
Allocated school			7	7
Out of Borough – pending			1	1
Total	2	43	209	254

11. There were 254 applicants in total. Of these, 142 applicants were offered a school for which they had a higher preference; one child with a statement (shown*) was given a place and 89 were offered places at the school. Of the remaining 23 children who should have been offered places given the PAN of 150, 15 were offered a place at a school for which they had expressed a lower preference and 7 allocated a school for which they had shown no preference. One child who lives out of the borough is shown as pending.

12. The local authority issued the standard letters informing parents that their applications were unsuccessful, based on the application of the admission arrangements, for example the seven pupils not allocated a place at any school for which they had expressed a preference received a letter saying they had not been offered a place at any of the schools listed as a preference as *“For each of these schools there were more applications than places available and other applicants had a higher priority..”*

13. The local authority determined the admission arrangements for September 2017 on 15 February 2016 in accordance with the provisions of 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 28 February. It set the PAN of 150 at this time as the issues of the building work were not apparent.
14. The published admission arrangements for the school show a PAN of 150 and the oversubscription criteria, in summary, as: children looked after or recently looked after; siblings; children with social or medical need; and distance home to school. Distance for the school is shown as *“The school admits 90 children to the Plumcroft Road site and 60 children to the Vincent Road site. Admission decisions based on home to school distance are made using the school site nearest to the applicant’s home address. If an applicant lives an equal distance from both sites, the site from which distance is measured will be decided by random allocation.”*
15. I asked at the meeting if the distance criterion had been applied as provided for in the arrangements, that is home distance to the school site nearest the home address. I was told that only the Plum Lane site had been used for measurement; I speculated at the meeting that some unsuccessful applicants may have lived closer to the one of the school sites than others who were offered places if the measure had been applied as drafted. Subsequent examination of the data showed that seven of children who had been refused places lived nearer to the one of the school sites than those who had been offered places. The fact is that the arrangements were determined and published showing that 150 places were available and the criteria which would be used to allocate places should more than 149 people apply. Parents will have seen that information and applied for places on that basis. At no point were parents alerted to any alteration. On National Offer Day the PAN of the school was 150, parents are entitled to have 150 places allocated and the local authority should have allocated up to 150 places in line with their admission arrangements. The local authority in its composite prospectus, explains that places are offered by use of its admission criteria. The Code is clear in paragraph 15 (d) *“When oversubscribed, a school’s admission authority must rank applications in order against its published oversubscription criteria.”* The local authority must offer places to applicants in line with the arrangements in place on 1 March 2017. The Act is clear at section 86 that parental preferences must be complied with except in certain circumstances. In particular, section 86(5) of the Act is clear that *“no prejudice [to the provision of efficient education or the efficient use of resources] shall be taken to arise..... from the admission to a maintained school in a school year of a number of a pupils in a relevant age group which does not exceed the number determined under section 88C as the number of pupils in that age group that it is intended to admit to the school in that year.”* Further, parents whose applications were not successful were not correctly informed

about reasons for the unsuccessful applications which may have had consequences for any further decision they took, for example whether or not to appeal for a place. I note these facts in the interests of giving the whole picture; the application of admission arrangements to individual or groups of children is not within my jurisdiction.

16. I acknowledge the difficulties identified by the local authority, that the site will not be ready on time and may not be fit for the placing of temporary class rooms. However, all of this was apparent early in the school year and certainly before National Offer Day. A remedy to address exceptional unforeseen circumstances is clear in the Code which is the request for a variation. In this case, the local authority as the admission authority has, in effect, varied its arrangements without seeking approval from the adjudicator and now – some months later – sought what is in reality retrospective approval.

17. In these circumstances, my withholding approval for the variation would serve no purpose and I have decided to approve it. That said, I am deeply concerned about the local authority's approach to what are legal requirements, particularly in regard to its obligations to parents who are making a key decision about their children's future, that is to express a preference for their child's first school, several of whom have been poorly served in this matter.

Determination

18. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the Royal Borough of Greenwich for Plumcroft Primary School for September 2017.

Date: 27 June 2017

Schools Adjudicator: Miss Jill Pullen