



DETERMINATION

Case reference: VAR 710

Admission Authority: Liverpool City Council for Roscoe Primary School

Date of decision: 11 May 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 Liverpool City Council for Roscoe Primary School for September 2017.

I determine that for admissions in September 2017 the published admission number shall be 30.

The referral

1. Liverpool City Council, the local authority and admission authority for Roscoe Primary School (the school), has referred a variation to the adjudicator concerning the admission arrangements for the school, a community school for pupils aged 2-11 years, for September 2016. The variation requested is to reduce the published admission number (PAN) of the school from 60 to 30 as the school has organisational and financial problems that are exacerbated by fluctuating admission numbers that in recent years have always been fewer than 60.

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.”

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 10 April 2017 and supporting documents;
 - b. the determined arrangements for 2017/2018 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 2017;

a copy of the notice informing the appropriate bodies about the proposed variation; and
 - d. copies of minutes of meetings of the school's governing body.

Background and consideration of factors

4. Roscoe Primary School is a community school located within the Clubmoor area of Liverpool, though the local authority has placed it within the Tuebrook and Stonecroft ward for basic need planning purposes. The main intake for the school comes from that ward. The school was judged by Ofsted to be requiring special measures in June 2009, in March 2011 it was found to be satisfactory and in June 2013 it was found to be good. However, applications for places at the school and consequent pupil numbers have not risen in that time. The local authority reports that the school has found itself in challenging circumstances. There is a high turnover of staff, and data shows that pupils' progress and achievements have declined. Leadership is by an executive head teacher in a formal school to school partnership.

5. As applications for the school have been well below the current PAN for a number of years, the school had admitted pupils whose parents have received none of their preferences and those seeking admission in year. Some of these pupils have subsequently moved on to their preferred school when places become available. The table below shows pupil numbers at the school at the time of the application for the variation.

	R	1	2	3	4	5	6
Jan 2015	22	33	39	32	25	21	26
Jan 2016	33	24	34	39	36	29	15
Jan2017	29	34	26	30	39	34	29

6. The school is facing a number of difficulties as a consequence of operating significantly below capacity including being required to run some classes with more than 30 pupils and some mixed age classes. It cites as a

particular difficulty the organisation of classes in Key Stage 1 where there are regulations that govern the number of pupils that one teacher may teach: “ *these variable numbers impact on school planning and budgets, particularly in Reception and KS1 due to Infant Class Size Regulations*”. The minute from the governing body meeting of 8 March 2017 shows the executive head teacher reporting *that the DfE had indicated that with a PAN of two forms of entry; the surplus places (only 65% full) would put this school in the category of “School Causing Concern”*

7. The local authority reports that on National Offer Day, 16 April 2017, for entry to the school in September 2017, there were 29 offers, of which 23 were for first preference applications, three were second preference and three were for pupils who had not received any of their preferences. The local authority says it is able to accommodate elsewhere any pupil that would have otherwise been placed at the school and has notified all the parties required by the Code about this request for a variation.

8. I note that the local authority determined the admission arrangements for September 2017 on 24 June 2016. 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 explained in response to my enquiries that: *“internal communications issues led to delays in the arrangements being finalised and then determined via cabinet for admissions arrangements that year.”* The local authority should of course, comply with the Code in determining arrangements. However, while the school’s difficulties were becoming apparent, no decision to reduce the PAN had been subject to consultation at that time so no changes were made.

9. The school has experienced difficulties over several years. Fluctuating pupil numbers makes the organisation of classes and teaching more difficult with consequent financial problems. I consider that a reduction in the PAN from 60 to 30 will enable the school to plan with more stability for the reception class. I am satisfied that the proposed variation addresses the circumstances described.

Conclusion

10. The local authority set admission arrangements for the school, including a PAN of 60, in the face of the issues described, I consider it necessary to reduce the PAN to 30 and therefore approve the requested variation.

Determination

11. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Liverpool City council for Roscoe Primary School for September 2017.

12. I determine that for admissions in September 2017 the published admission number shall be 30.

Dated: 11 May 2017

Signed:

Schools Adjudicator: Miss Jill Pullen