

## DETERMINATION

**Case reference:** VAR/000469,470,471,472,473,474 & 475

**Admission Authority:** Royal Borough of Kingston

**Date of decision:** 11 January 2011

### **Determination**

**In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variations to the admission arrangements determined by the Council of the Royal Borough of Kingston.**

**I determine that for admissions in September 2011 the admission numbers for the following community primary schools shall be:**

- a. Latchmere Primary 120**
- b. Burlington Infant and Nursery 120**
- c. Burlington Junior 120**
- d. Grand Avenue Primary 90**
- e. Ellingham Primary 60**
- f. Fern Hill Primary 90**
- g. Alexandra Infant 90**

### **The referral**

1. The Council of the Royal Borough of Kingston (the Council) has referred to the Schools Adjudicator a set of proposed variations to the admission arrangements for admission to community primary schools for 2011. The variations relate to the admission numbers for a total of seven schools.

### **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”.

The Council submits that the decision to expand the schools, necessarily taken after the date when the admission arrangements had to be made

and published, constitutes such a major change in circumstances.

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.
5. The documents I have considered in reaching my decision include:
  - a. the Council's referral documents, including records of consultation, information regarding projected pupil numbers and school capacity;
  - b. documents relating to the associated decisions to enlarge a number of primary schools and the relevant public notices;
  - c. the determined arrangements for 2011 and the proposed variation to those arrangements;
  - d. the booklet published by the Council to advise parents about admission arrangements for 2011.

### **Background and consideration of factors**

6. The 2011 admission arrangements for community primary schools in Kingston, including the admission numbers, were determined early in 2010. At the time they were determined the Council was conducting consultations on its response to a significant increase in primary pupil numbers, which had begun to have an effect in the previous year, and which was expected to be sustained over several years, including 2011-12. The published arrangements therefore included the following statement.

“While changes are planned, it is not known which schools will undergo permanent expansion or which schools will require a change in their admission number. If required, changes to admission numbers for community primary schools for 2011 will be made via an application to the Schools Adjudicator”

7. The consultation led to the publication of statutory notices to expand provision at the seven primary schools whose admission numbers are the subject of this decision. The change will have the effect of increasing by 30 the admission number at each of the schools concerned. Following the period for responses, the Council decided to make changes regarding the planned size of the schools concerned. Those decisions were properly reached, but this determination is not concerned with them. The focus of this determination is the Council's view that the changes require implementation for 2011 and hence a change in the published arrangements.
8. It is clear from the information provided that there is an urgent need to make the additional provision planned. Whilst there is a small amount of

spare capacity in some schools in the Borough, this is not in the areas where the demand is most pressing. To delay the implementation of the enlargements would lead to a position where there would be too few school places for children due to start school in September.

9. The Council has feasible plans for the expansion of the premises of the schools concerned.
10. There have been no objections to the proposed variation in arrangements for 2011.
11. The Council could have included the higher admission numbers in the admission arrangements when they were determined, but to have done so would have pre-empted the careful decision-making process it had adopted and would have undermined the consultation.

### **Conclusion**

12. I have concluded that the proposed variations to the admission arrangements are an appropriate response to the circumstances set out above, and that they should be supported.

### **Determination**

13. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variations to the admission arrangements determined by the Council of the Royal Borough of Kingston.
14. I determine that for admissions in September 2011 the admission numbers for the following community primary schools shall be:
  - a. Latchmere Primary 120
  - b. Burlington Infant and Nursery 120
  - c. Burlington Junior 120
  - d. Grand Avenue Primary 90
  - e. Ellingham Primary 60
  - f. Fern Hill Primary 90
  - g. Alexandra Infant 90

Dated: 11 January 2011

Signed:

Schools Adjudicator: Mr Andrew Baxter