



Office of
the Schools
Adjudicator

Determination

Case reference: VAR888

Admission authority: Kirklees Council for Netherhall Learning Campus High School, Huddersfield

Date of decision: 3 October 2019

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Kirklees Council for Netherhall Learning Campus High School for September 2020.

I determine that for admissions in September 2020 the school's catchment area shall be expanded to the extent proposed by the council.

The referral

1. Kirklees Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2020 for Netherhall Learning Campus High School (the school) to the Office of the Schools Adjudicator. The school is a community school for children aged 11 to 19 in Huddersfield.
2. The proposed variation is to enlarge the catchment area of the school.

Jurisdiction

3. 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*".

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

Procedure

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

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

- a. the referral from the local authority dated 2 September 2019 and supporting documents;
- b. the determined arrangements for September 2020;
- c. a copy of the local authority's guide for parents seeking admission to schools in the area in September 2020;
- d. a map showing the location of the school, its catchment area and the proposed enlargement, and other relevant schools;
- e. the local authority's school organisation document, "*Securing sufficient school places 2018-2021*";
- f. a letter from the chair of the governing board of the school indicating its support for the proposed variation; and
- g. a letter from the local authority confirming that the appropriate bodies have been notified about the proposed variation.

Consideration of the arrangements

7. The admission arrangements (the arrangements) for the school are the generic arrangements for community and voluntary controlled schools in Kirklees. I reviewed these arrangements when considering another variation proposed by the local authority (VAR886 Almondbury Community School). I found that, in a number of ways, the arrangements did not comply with the requirements relating to admissions. The Code requires the local authority to revise its admission arrangements within two months of the date of that determination. I will not repeat those findings here

The proposed variation

8. The proposal to enlarge the catchment area of the school is a consequence of a re-organisation of the provision of secondary education to the south and east of Huddersfield. On 16 July 2019 the local authority determined a statutory proposal to change the age range of a neighbouring school, Almondbury Community School (ACS), from 3 to 16 to 3 to 11, with effect from September 2020. ACS has a catchment area (known locally

as a priority admission area) for admission to its secondary phase, which comprises all or part of the catchment areas of several primary schools. The catchment areas of community and voluntary controlled schools in the local authority area are part of the admission arrangements that were determined on 19 February 2019.

9. The local authority is proposing, by way of variation, that ACS's secondary phase catchment area is redistributed, in three sections, to the catchment areas of three neighbouring secondary schools. Requests for variations to admission arrangements have been made in respect of the three schools, namely:

- Netherhall Learning Campus High School, which is the subject of this determination;
- Newsome High School, also a community school, which is the subject of determination VAR887; and
- King James's School, which is an academy school.

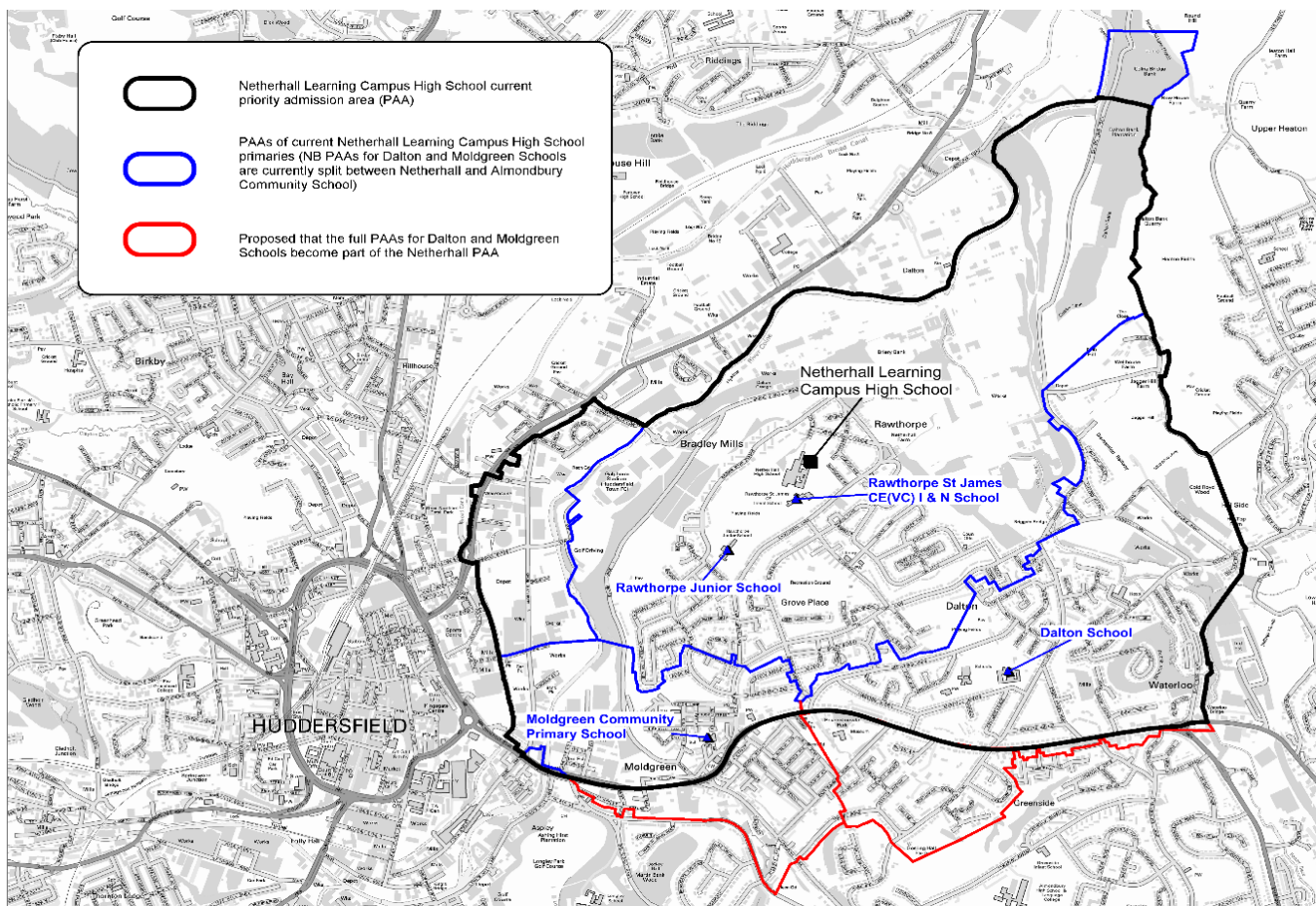
Requests for variations to the admission arrangements for academies are made by the academy trust to the Education and Skills Funding Agency (ESFA). The academy trust for King James's School has made a request for a variation to the ESFA simultaneously with the local authority's requests in respect of the two community secondary schools. The ESFA has informed me that the final decision to approve a variation rests with the Regional Schools Commissioner for the region in which the academy is located.

10. The local authority summarises the reason for its proposal as follows:

"The variation will ensure that every child has a priority admission area when an application is made for a secondary school place. Every child living in Kirklees Council is included in at least one catchment area. Without the change, families resident in the current ACS catchment area would not be included in a catchment area for 2020-2021 admissions."

11. The proposed variation for Netherhall Learning Campus High School is to add to its priority admission area the parts of the catchment areas of Moldgreen and Dalton Primary Schools that are currently within the priority admission area of ACS. This will mean that all of the catchment areas of the two primary schools will fall within the catchment area of Netherhall Learning Campus High School. Map One shows what is proposed.

Map One: Proposed catchment area of Netherhall Learning Campus High School



12. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be changed, that is varied, if there is a major change of circumstance or certain other limited and specified circumstances. I will consider below whether the variation requested is justified by the change in circumstances.

13. Paragraph 3.6 of the Code also requires that relevant parties be notified of a proposed variation. The local authority has provided me details of its notification on the proposed variation and the list of schools to which it was sent. I am satisfied that all relevant bodies have been notified. Through its chair, the governing board of the school has expressed its support for the proposed change. I find that the appropriate procedures were followed.

Consideration of proposed variation

14. The decision that ACS will provide only primary education from September 2020 is a change that has significant consequences for the provision of secondary education in the area. The local authority is seeking to ensure that all children continue to benefit from living in the catchment area of a secondary school. Its proposal to add parts of the catchment area of ACS to the catchment areas of three neighbouring schools is, I consider, an

appropriate way, in principle, of mitigating any disadvantage that may be caused to families by this re-organisation.

15. Netherhall Learning Campus High School has a Published Admission Number (PAN) of 131. Table One shows the numbers of children in each of the year groups at the school in September 2019.

Table One: Pupils on roll at Netherhall Learning Campus High School

Year group (September 2019)	Number on roll
Year 7	151
Year 8	130
Year 9	132
Year 10	125
Year 11	94

These figures show that the number of pupils admitted to Year 7 (Y7) in September 2017 and 2018 broadly matched the school’s PAN. For admissions in September 2019 the PAN was exceeded. Paragraph 1.4 of the Code confirms that admission authorities may admit above PANs. The local authority explains that this was done for admissions in September 2019, “to support late applicants who had not been able to secure a place at the school.” 87 on-time applicants lived within the existing catchment area of the school.

16. Table Two shows figures that I extracted from the local authority’s school organisation document, “*Securing sufficient school places 2018-2021*”, in January 2018 (the latest year for which figures are included). These indicate the number of children living in the proposed extended catchment area for the school (that is, the area comprising the catchment areas of Dalton and Moldgreen Primary Schools and Rawthorpe Junior School) and the schools they actually attend.

Table Two: Schools attended by children living in the proposed extended catchment area of Netherhall Learning Campus High School

Schools attended (January 2018)	Number of pupils (Y7 – Y11)	Average pupils per year group
Netherhall Learning Campus High School	380	76
Almondbury Community School and King James’s School	203	41
Other Kirklees mainstream schools	234	47
TOTAL	817	164

17. ACS will not admit pupils into Y7 in September 2020. The catchment area of King James's School (an academy school) is proposed to be enlarged. This may mean that King James's School has few, if any, places to offer to children who live outside its catchment area and will increase the demand for places at Netherhall from within its catchment area. Nevertheless, within the PAN of 131, there are enough places at Netherhall to accommodate the historic average number of pupils from within its extended catchment area who attend Netherhall, ACS or King James's School, that is, the pupils represented by the first two rows in Table Two.

18. These figures suggest, therefore, that children living in the proposed extended catchment of the school who require a place at the school could be accommodated in Y7 in September 2020. Furthermore, the local authority has indicated that, if necessary, additional school places could be made available at the school as a pupil referral unit that was previously housed there has re-located. The local authority says,

"This has provided additional physical capacity and the ability for the school to be more flexible with its intakes where it makes sense for residents. This was demonstrated by them admitting above PAN for 2019/20 ... and since this time Netherhall have confirmed their willingness to be flexible in the future."

The local authority has also informed me that the greatest distance from an address in the extended catchment area to the school is 1.17 miles, which is considerably less than the distance above which transport to school must be provided.

19. As previously explained, this proposed variation is one of three that seeks to re-distribute the secondary catchment area of ACS. In reaching my decisions in respect of this variation and the proposed variation to the catchment area of Newsome High School, I have liaised with the ESFA in order to ensure that the three decisions are consistent with each other.

20. I consider that the extent of the proposed enlargement of the school's catchment area is appropriate and is justified by the change in the provision of secondary education locally. I approve the variation.

Determination

21. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Kirklees Council for Netherhall Learning Campus High School for September 2020.

22. I determine that for admissions in September 2020 the school's catchment area shall be expanded to the extent proposed by the council.

Dated: 3 October 2019

Signed:

Schools Adjudicator: Peter Goringe