



DETERMINATION

Case reference: VAR653 and VAR656

Admission Authority: The governing bodies of St Oswald's Church of England Junior School and Guiseley Infants and Nursery School, Guiseley, Leeds

Date of decision: 17 November 2014

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 bodies of St Oswald's Church of England Junior School and Guiseley Infant and Nursery School, Leeds for admission in September 2015.

I determine that for admissions to St Oswald's Junior School the arrangements will be introduced for admission to the reception year to include a published admission number of 60 and for admission to year 3 the admission number will be 60.

I determine that for admissions to Guiseley Infant and Nursery School the admission number for the reception year will be 60.

The referral

1. The governing bodies as the admission authorities of St Oswald's Church of England Junior School, a voluntary aided school, and Guiseley Infant and Nursery School, a foundation school, (the schools) have referred variations to the adjudicator about the admission arrangements (the arrangements) for the two schools for September 2015.
2. Following agreement by both governing bodies, Leeds City Council the local authority, (the LA), approved proposals to convert both schools into primary schools catering for 5 to 11 year olds from September 2015.
3. The request is to agree appropriate admission arrangements at both schools with a published admission number (PAN) of 60 for both reception years (YR) and a reduced PAN of 60 into year 3 (Y3) at the junior school for September 2015. In addition it is requested that the oversubscription criteria in the junior school's arrangements will reverse the current order of the second and third criteria so that siblings of children currently in the school will have priority over children attending

the infant school. The variation requests that the arrangements for admission to YR of the junior school in September 2015 will be the same as those for admission to Y3 with the exclusion of any reference to attendance at the infant school.

Jurisdiction

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

Procedure

6. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
7. The documents I have considered in reaching my decision include:
 - a) requests for an in-year variation from both schools;
 - b) statutory notice of proposals to make prescribed alterations to the two schools dated 25 June 2014;
 - c) the Department for Education (DfE) net capacity assessments for both schools;
 - d) responses from the LA;
 - e) a response from the diocese of West Yorkshire and the Dales (the diocese) with respect to the proposal for St Oswald’s Junior School;
 - f) responses from the two schools including the details of the governing body meetings where the arrangements were determined and the meetings at which the variation requests were agreed;
 - g) the current determined arrangements for the two schools and the proposed changes to the arrangements;
 - h) the LA’s booklet for parents seeking admission to schools in September 2015;

- i) details of the consultation process for the statutory proposal; and
- j) a map showing the site of the two schools.

Background and consideration of factors

8. On 25 June 2014 the LA published a statutory proposal for the conversion of both schools to through primary schools catering for 5 to 11 year olds. The intention is to create additional capacity to accommodate the increasing demand for primary school places caused by the growing pre-school population in the area. Following a period of consultation, the proposal was approved by the LA's Executive Board on 17 September 2014. This approval constitutes a major change in circumstances for the schools. Admission arrangements for September 2015 were determined and published in line with the Code and now require variation in order for the agreed changes to the junior school's age range to be implemented and PANs agreed at both schools.
9. I agree that the approval of the proposal by the LA constitutes a major change in circumstance for the schools and as the decision was taken in September 2014 for admission in September 2015 the current published arrangements require variation.
10. St Oswald's C of E Junior School is a voluntary aided Church of England school and the governing body is the admission authority. The school currently admits children to Y3 and caters for four key stage 2 year groups (Y3 to Y6).
11. The current arrangements include a PAN for admission into Y3 of 90. In 2012, 77 pupils were admitted; in 2013 the school was oversubscribed by 14 and admitted up to PAN; in 2014, 75 applicants expressed a preference for the school and all were admitted. Currently there are 305 children on roll; the DfE capacity assessment calculates the maximum capacity as 299.
12. As a school designated as having a religious character the arrangements include oversubscription criteria relating to attendance at a place of worship. These criteria are placed after looked after and previously looked after children, those attending the infant school and siblings of children attending the school. The faith based oversubscription criteria would remain the same for admission to YR and to Y3 following this variation.
13. Guiseley Infant and Nursery School is a foundation school and part of the Aireborough Trust. The governing body is the admission authority for the school. The school currently admits children to its nursery and to YR. The school caters for children of nursery age and three, key stage 1 year groups (YR to Y2).

14. The current arrangements include a PAN for admission into YR of 90. The school is consistently oversubscribed and has admitted up to PAN for each of the three previous years. Currently there are 338 children on roll; the DfE capacity assessment calculates the maximum capacity as 265.
15. The over-subscription criteria in the arrangements are those used by the LA which gives priority to looked after and previously looked after children followed by siblings, and then distance between home and school is used to offer places to those living nearest to the school.
16. The present arrangements for the two schools provide 630 places across the seven school years. (270 in the infant school and 360 in the junior school). The approved proposal converts both schools into through primary schools with the PAN for admission into YR of 60. When the schools have been fully established in September 2018 this will provide 840 places (420 in each school). This is an increased capacity of 210 places.
17. I am of the view that the establishment of two through primary schools would provide the additional capacity required for the estimated growth in primary population in the area in the next few years.
18. The junior school variation requires arrangements to be put in place for admission to YR for the first time in September 2015 and with a PAN of 60. The infant school variation requires a reduction in PAN for YR from 90 to 60.
19. I agree that varying these PANs for 2015 and then the schools determining the same PANs in future years would provide the required increase in capacity for the area over the four year period of transition. I also agree that other minor changes of wording are required to reflect the new school age ranges so that the school names do not include the terms infant or junior.
20. I agree that the PAN for year 3 of the junior school will be 60 for admission in September 2015. Proposed transition arrangements include retaining a point of admission at Y3 in the junior school with this reduced PAN and this will allow pupils who wish to transfer to the junior school to do so if they do not wish to stay on at the infant school in the newly created key stage 2 classes.
21. In addition the variation requests an amendment of the oversubscription criteria in the junior school's arrangements so that following the priority admission of looked after and previously looked after children, the second oversubscription criteria will be the admission of siblings in priority over those attending the infant school. This is a reversal of these two current priorities. The school and the diocese state that this is to ensure the least disruption to families during the transition phase.

22. The governing bodies of both schools were consulted before the statutory proposal was published and both are in favour of the change. The LA undertook extensive consultation on the proposed changes and reported that no significant negative responses were received.
23. The diocese reports that there were some responses from concerned parents at the junior school regarding the possible disadvantage to younger siblings gaining admission to Y3 during the transition period as the PAN is reduced. The school has sought to mitigate this issue by placing sibling priority higher than attendance at the infant school. The diocese reports that this has reassured parents.
24. I agree the suggested variation to the arrangements which reverses the priority in the oversubscription criteria and places sibling priority above attendance at the infant school. This will provide increased reassurance for those parents who want siblings to be educated at the same school and will also allow those families who want to apply for children from the infant school to transfer to the junior school at the end of key stage 1 to do so.
25. I further agree that the same arrangements will be put in place for September 2015 for Y3 and YR of the junior school with the only difference being the omission of reference to attendance at the infant school in the YR arrangements.
26. All the schools in the local area have been notified of the variation in line with the Code and no negative responses have been received. The junior school has informed the diocese of the changes and the response from the diocese is supportive of the variation.
27. Currently both schools are accommodating more children than is estimated as the maximum capacity for the school. The junior school has 6 more children than the estimated capacity and the infant school has 73 more than capacity. Both schools will increase in size if they admit up to the revised PANs as anticipated. The junior school will increase from 305 to 420 and the infant school will increase from 338 to 420. The statutory proposal does not detail the project costs for this expansion but states that *“The final design solution is subject to detailed design and development and it is therefore not yet possible to estimate the cost of delivery. The project would be funded by the local authority.”* Both schools are satisfied with this position.

Conclusion

28. I have concluded that the variations which the governing bodies have requested are necessary to support the implementation of the proposal agreed by the LA to establish two through primary schools; one at the current junior school and one at the current infant and nursery school. This constitutes a major change in circumstances for both schools.

29. I agree that the variation will reduce the PAN of the infant school at YR from 90 to 60. Children currently in Y2 will be able to continue in the school into newly created key stage 2 classes.
30. I further agree that arrangements are put in place for admission to YR at the junior school with a PAN of 60 with a change in wording in the arrangements as necessary.
31. I agree the following transition arrangements for 2015, the junior school's PAN for admission to Y3 will be reduced from 90 to 60 and the oversubscription criteria will place sibling priority above those attending the infant school.

Determination

32. 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 bodies of St Oswald's Church of England Junior School and Guiseley Infant and Nursery School, Leeds for admission in September 2015.
33. I determine that for admissions to St Oswald's Junior School the arrangements will be introduced for admission to the reception year to include a published admission number of 60 and the for admission to year 3 the admission number will be 60.
34. I determine that for admissions to Guiseley Infant and Nursery School the admission number for the reception year will be 60.

Dated: 17 November 2014

Signed:

Schools Adjudicator: Mrs Ann Talboys