



DETERMINATION

Case reference:	STP628
Proposal:	A statutory proposal to extend the age range of All Hallows' Church of England Voluntary Aided Infant and Nursery School, Almondbury, Huddersfield
Proposer:	The Governing Body of All Hallows' Church of England Voluntary Aided Infant and Nursery School
Initial decision-maker:	Kirklees Council
Appellant:	The Governing Body of All Hallows' Church of England Voluntary Aided Infant and Nursery School
Date of decision:	10 March 2017

Determination

Under the powers conferred on me by section 21 of the Education and Inspections Act 2006, and the School Organisation (prescribed Alterations to Maintained Schools) (England) Regulations 2013 made thereunder, I uphold the appeal against the decision to reject the proposal to extend the age range of All Hallows' Church of England Voluntary Aided Infant and Nursery School, Almondbury, Huddersfield with effect from 1 September 2017. Accordingly, I approve the proposal to extend the age range of All Hallows' Church of England Voluntary Aided Infant and Nursery School, Almondbury, Huddersfield with effect from 1 September 2017.

The referral

1. The governing body (the governing body) of All Hallows' Church of England Voluntary Aided Infant and Nursery School (the school) published a proposal under section 19 of the Education and Inspections Act 2006 (the Act) to extend the age range of the school in order to become a primary school.
2. The governing body submitted the proposal to Kirklees Council (the local authority) which is the authority which maintains the school and is thus the decision maker. The local authority considered the proposal within the required timescale of two months.
3. On 21 December 2016 the governing body wrote to the Office of the Schools Adjudicator (OSA) to appeal the local authority's decision to reject the proposal.

Jurisdiction

4. The governing body published a notice of its proposal to extend the age range of the school on 5 September 2016. The notice was in the form required by the Act. The governing body also conducted a formal consultation on the proposal in the period 4 September to 3 October 2016. The proposal met the requirements for making a statutory proposal as laid down by the Act and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the Regulations) made thereunder.

5. Following the local authority's determination to reject the proposal on 28 November 2016, the governing body referred the proposal to the OSA in accordance with section 21 of the Act.

6. The local authority has forwarded the referral and its comments to the OSA in accordance with the provisions of the Act and the Regulations.

7. I am satisfied that this request has been properly referred to me in accordance with the Act and the Regulations and that I have jurisdiction to determine this matter.

Procedures

8. In considering this matter I have had regard to all relevant legislation and guidance.

9. I have considered all the papers put before me including the following:
- a. the letter of appeal from the governing body dated 21 December 2016, together with a copy of the proposal and supporting documents;
 - b. a letter dated 20 December 2016 from the Diocese of Leeds (the diocese) in support of the appeal;
 - c. a copy of the statutory notice which was published in the Huddersfield Examiner on 5 September 2016;
 - d. copies of reports, appendices and analyses sent to Kirklees Council's Cabinet (the cabinet) before the proposal was considered at its meeting on 28 November 2016;
 - e. the minutes of the cabinet's meeting on 28 November 2016 at which the decision to reject the proposal was taken; and
 - f. the most recent Ofsted inspection reports for the school dated 31 March to 1 April 2015, and for the neighbouring Almondbury Community School dated 10 to 11 June 2015.

The Proposal

10. The proposal is to extend the upper age limit of this infant and nursery school from 7 to 11 years so that it thereby becomes a primary school for children aged 3 to 11 years from 1 September 2017.

Background and Context

11. All Hallows' Church of England Voluntary Aided Infant and Nursery School is situated in Almondbury, a semi-rural village near Huddersfield. The school currently provides full-time education for children aged 4 to 7 years and part-time education for nursery-aged children. Two independently managed businesses have premises situated within the school site by agreement with the Diocese of Leeds. These are Almondbury Playgroup, and Doodles Before and After School Club.

12. The school had been voluntary controlled with the local authority being the admission authority but the school changed status to voluntary aided in 2013 at which time the governing body became the admission authority. The governing body said that the change of status was made *"in order to secure the Christian ethos for the future."*

13. The school used to have a published admission number (PAN) of 60, with a potential maximum of 180 infant children and 24 full time equivalent nursery children, and then a number of years ago the PAN was reduced to 50. The governing body further reduced the PAN to 30 for admissions to Reception Year (Year R) in September 2015 *"both to prepare for the proposed change of age range and to send a strong signal to the local community that the school did not wish to grow at the expense of neighbouring schools."* The current Year 2 cohort was the last group admitted under the previous PAN of 50.

14. The governing body first published and consulted on a proposal for the school to become an all-through primary school in the period 4 November to 2 December 2015 but withdrew the proposal before the final decision-making process in order to review the comments made during the consultation period.

15. Having taken account of the comments made in the previous consultation to revise and develop the proposal, the governing body published on 5 September 2016 a new statutory proposal to change the upper age limit of the school from 7 to 11. The proposed primary school would have a PAN of 30.

16. The proposed primary school would grow slowly, by an additional year group on an annual basis until 2020/21, when the full primary provision would be available for a proposed maximum number of 210 pupils and 12 full-time equivalent nursery places. Children currently on roll in Year 2 would have the opportunity to progress to Year 3 in September 2017 and remain at the school until the end of Year 6 instead of transferring at the end of Key Stage 1 to junior provision at another school. As the PAN was reduced to 30 for admissions in 2015/16, the proposed primary in September 2017 would have up to 30 pupils in Years R, 1 and 2, but Year 3 may be slightly larger as the PAN was still 50 when that cohort was admitted to Year R.

17. In becoming a primary school, the governing body has explained that it aims to build on the school's existing strengths so as to improve educational outcomes for children by providing stability, consistency and continuity through the primary phase; providing a rich and balanced curriculum from age 3 to 11 years that meets the needs of all children; supporting sustained pupil progress by removing the transition point children currently have to negotiate at age 7; enhancing parental choice; and being at the heart of the local community.

18. The policy of the local authority is that every separate infant school is linked to a junior phase school. The school is linked to Almondbury Community School which has 110 places available in Year 3 which includes a maximum of 60 places for children already on its roll. The remaining places (at least 50) are available to other children and priority for these (after looked after and previously looked after children) is given to children aged 7 years transferring at the end of Key Stage 1 from All Hallows Church of England Voluntary Aided Infant and Nursery School.

19. I note that the local authority has a policy to explore opportunities for reducing transition points at age 7 by bringing together separate infant and junior schools to establish all-through primary provision, with the aim of improving the educational standards attained by children through better and more flexible management of learning. The local authority considers that such all-through provision can establish longer term relationships with pupils and families, provide more opportunities for staff development and better manage resources to support continuity of learning. It was this rationale that in fact led to the establishment of Almondbury Community School, which I describe in more detail below.

20. Almondbury Community School was established on 1 June 2014 by means of the appropriate statutory proposals. This statutory process involved the closure of Greenside Infant and Nursery School and Almondbury Junior School, and the simultaneous expansion of the age range of the former Almondbury High School to produce a single all-through school for 3 to 16 year olds. Almondbury Community School has the capacity for 600 pupils aged 11 to 16; a further 440 places for 7 to 11 year olds; 180 places for children aged 4 to 7 years; and 52 part-time nursery places. The local authority has said that All Hallows' Church of England Voluntary Aided Infant and Nursery School was not included in this "amalgamation" because of its voluntary aided status and the balance of denominational places.

Consideration of Factors

21. I have considered the proposal afresh, taking careful account of the views and arguments put to me by the local authority as the initial decision-maker, the diocese, the consultation responses and representations, and the governing body's further comments in its appeal letter. In doing so, I must bear in mind the provisions of the Act, the Regulations and the "Guidance for decision-makers - Statutory guidance for decision makers deciding prescribed alteration and establishment and discontinuance proposals" (the guidance) published by the Department for Education (DfE) in April 2016. The guidance sets out the factors that must be taken into account when deciding about a proposal to make a prescribed alteration to a school and I have considered these matters in the paragraphs below.

The consultation and representation period

22. The guidance says that decision-makers must be satisfied that the appropriate fair and open local consultation has been carried out and that full consideration has been given to all the responses received. The views of those affected by the proposal or who have an interest in it must be considered. Account should not simply be taken of the numbers of people expressing a particular view; the greatest weight should be given to responses from those stakeholders likely to

be most directly affected by a proposal, especially parents of children at the affected school(s).

23. On 5 September 2016 the governing body published a statutory notice in the Huddersfield Examiner, and copies of the notice were posted on all the gates to the school. The complete statutory proposal was published by the governing body as part of a consultation document, which was distributed to all the relevant parties, and open meetings were held at the school on 21 and 22 September 2016. The consultation period was for the statutory four weeks and 203 written responses were received.

24. Kirklees School Organisation Advisory Group (SOAG) met on 14 October 2016 to consider the statutory process and representations for the proposals and to formulate advice for the local authority as decision-maker. SOAG noticed that there was an anomaly on the statutory notice: the start of the consultation period was from the date of publication, 5 September 2016, but the end date (four weeks from the date of the notice) was incorrectly stated as Monday 5 October 2016, when it should have been Monday 3 October 2016. After legal advice, SOAG confirmed this was not a material issue as the statutory notice correctly referred to four weeks as the consultation period and no representations had been received on 4 or 5 October 2016.

25. Two meetings were held during the consultation period: 10 people attended the first consultation meeting; four others attended the second meeting, all of whom expressed strong support for the proposal. Of the 203 written consultation responses received, 168 (82.8%) strongly supported/supported the proposal; one (0.5%) response neither supported nor opposed; and 34 responses (16.7%) strongly opposed the proposal. I note that a very large majority of the responses were in favour of the proposal but the guidance makes clear that the decision-maker should not simply take account of the numbers but should consider the views expressed, particularly by those most likely to be directly affected by the proposal, especially parents of children at the affected schools. The views expressed by different sections within the community have been considered in the paragraphs below related to community cohesion.

26. I note that the local authority considered that a fair and open consultation process had been undertaken, and that the governing body had reviewed and given consideration to the responses received. I am satisfied that the governing body has met the statutory requirements with respect to consultation and the representation period.

Education standards, academisation and diversity of provision

27. The guidance says that decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet the needs of parents and raise local standards.

28. The school was judged by Ofsted to be good in all categories when it was inspected in the period 31 March to 1 April 2015. The local authority's report to cabinet states that the senior Kirklees Learning Partner for 0 to 11 years who has strategic responsibility in the local authority for Early Years' (the senior learning

partner) said: *“There is good progress through the school, children enter the reception class with outcomes slightly below average and leave school at the end of Key stage 1 with outcomes above national averages. Increasing the number of pupils working at higher levels has been on the school improvement plan for the last few years and ... this school improvement work seems to have impacted in 2016.”*

29. The senior learning partner commented that *“the focus on progress from Key Stage 1 – Key Stage 2 would be a key indicator of future success for a primary school. It would be important to maintain current standards.”* The school has approached the West Yorkshire Teaching School Alliance and has secured good support for staff and the development of the Key Stage 2 educational offer should the proposal to extend the age range be approved.

30. Further guidance published by the DfE in April 2016: “Making ‘prescribed alterations’ to maintained schools – Statutory guidance for proposers and decision-makers” states that *“where possible, additional new places will only be provided at schools that have an overall Ofsted rating of ‘good’ or ‘outstanding’.”* The proposal to extend the age range of the school would result in up to 30 additional Key Stage 2 places in Almondbury each year, for four years, up to a maximum of 120 additional places. The proposal is consistent with this further guidance because the school was judged by Ofsted to be a good school, and from the evidence presented, high standards appear to have been maintained.

31. The governing body confirmed that it has no plans for the school to convert to academy status but it is keeping the position under review. The governing body confirmed that its priority is to develop partnerships with local schools and with the diocesan family of Church schools, which will have a bearing on the structure within which the school may convert to academy status as and when the position changes in the future. I consider that the proposal is therefore consistent with the policy on academisation.

32. There is a range of provision available in the wider area, but within Almondbury there are just three schools: All Hallows’ Church of England Voluntary Aided Infant and Nursery School for children aged 3 to 7 years; Almondbury Community School for 3 to 16 year olds; and King James’ School for children aged 11 to 16 years which is in a different planning area. There is also a play group on the school site and the senior learning partner observed that the school should consider how it can support the quality of provision in the pre-school and raise standards by working in partnership with the pre-school on “school readiness”.

33. Under the current arrangements, the school’s pupils transfer at the end of Key Stage 1, and most move to the linked junior phase at Almondbury Community School. The proposal would offer families the choice of their child remaining at the school until the end of Key Stage 2 or transferring at seven years of age. However, local authority officers cautioned in their report to the cabinet that if children do not transfer to Almondbury Community School at the start of Key Stage 2, the proposal has the potential to affect adversely that neighbouring school due to the loss of Key Stage 2 pupils.

34. The governing body said that the proposal would meet the aspirations of families with existing children at the school and future pupils because there would be

choice. Furthermore, all-through primary provision would reduce a transition point for children and their families, support continuity of education and, as a result, better outcomes.

35. Supportive comments received as part of the representation period, particularly from parents of existing pupils, concurred with this view. Opposing comments put forward the view that the close collaboration between schools in the area and the range and quality of schools available locally meant that approval of the proposal would not necessarily result in better outcomes.

36. If parents were to choose for their children to remain at the school for Key Stage 2 provision from September 2017, rather than transfer to a junior phase, there may be an adverse impact on Almondbury Community School. However, there is no way of predicting how many Key Stage 2 places may be affected, as parental preferences for any school cannot be guaranteed. I also note from the consultation responses that a significant number of parents said that even if the proposal were to be rejected, they would not apply for Key Stage 2 places at Almondbury Community School but would seek places in other schools beyond Almondbury. The perceptions of many local parents is that outcomes would improve.

37. From the evidence available to me, I am persuaded that the proposal has the potential to meet the needs of local parents.

Demand and need for places

38. In assessing the demand for new school places, the decision-maker should consider the evidence presented for any projected increase in pupil population and take into account *“the quality and popularity of the schools in which spare capacity exists and evidence of parents’ aspirations for ... places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places ... Reducing surplus places is not a priority (unless running at very high levels). For parental choice to work effectively there may be some surplus capacity in the system as a whole. Competition from additional ... places in the system will lead to pressure on existing schools to improve standards.”*

39. The local authority assessed that there are sufficient primary school places in the area to meet basic need, and has into account the projected number of pupils based on GP registration data, potential housing development, the pattern of pupil distribution and the availability of places in neighbouring planning areas. It is clear that Almondbury Community School has sufficient places in Key Stage 2 to accommodate its pupils already on roll and any children transferring from All Hallows’ Church of England Voluntary Aided Infant and Nursery School at the end of Key Stage 1. The local authority has acknowledged that *“there is strong support by existing parents (and others who made representations) for the change in age range.”*

40. The diocese has accepted that there are sufficient Key Stage 2 places in the planning area but pointed out that the proposal is not based on basic need, but on parental demand, and for that reason is supportive of the proposal.

41. The minutes of the cabinet's meeting on 28 November 2016, at which the decision to reject the proposal was taken, recorded that the school had set out its rationale for change. As well as the 168 responses supportive of the proposal received during the consultation period, the minutes note that a petition with 228 signatures in support of the proposal was received.

42. The guidance states that account should be taken of the quality and popularity of the schools in which spare capacity exists and that "*competition from additional ... places in the system will lead to pressure on existing schools to improve standards.*" The Key Stage 2 places available at Almondbury Community School are sufficient to meet current need in the area. It seems to me that the decision to reject the proposal focused on the absence of basic need for additional places and the potentially adverse impact of additional Key Stage 2 places on pupil numbers at Almondbury Community School. It did not in my view give much weight to the potentially positive impact on standards from competition as a result of the additional places. Yet responses to the consultation revealed considerable parental concern about the quality of provision at Almondbury Community School. I note from the most recent Ofsted report for Almondbury Community School (10 to 11 June 2015) that only its early years' provision was judged to be good, and all other aspects were judged to require improvement although, since then, there appears to have been a good follow-up monitoring visit and Key Stage 4 results have improved.

43. The guidance makes clear that the existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places. Responses to the consultation demonstrated that there is significant parental demand for Key Stage 2 provision to be made available at the school even though there are sufficient Key Stage 2 places in Almondbury Community School to meet basic need. I note that the proposal involves gradual change over four years, and in that time, Almondbury Community School would have the opportunity to plan strategically to mitigate any adverse impact from the proposal by further improving standards so that it attracts more pupils. From the evidence available to me, I am satisfied that there is sufficient demand for the additional places which has the potential to drive up standards to the benefit of children and families in Almondbury.

School size

44. The guidance makes clear there should be no blanket assumptions that schools should be of a certain size to be good schools. The viability and cost-effectiveness of a proposal is an important factor and there should be consideration of the impact on the local authority's budget of the need to provide additional funding to a small school to compensate for its size.

45. The governing body considers that not introducing the additional Key Stage 2 places at the school would put at risk the viability and sustainability of the school and denominational provision in the locality. Evidence from prospective parents visiting the school in 2016 indicates that some would not apply for a place in Year R if the proposal to provide Key Stage 2 provision at the school were to be rejected. Financial projections suggest to the governing body that the operation of primary provision on the site would provide the opportunity for more economies of scale that would help to secure the financial sustainability of the resulting small primary school.

46. The local authority, on the other hand is concerned that introducing additional Key Stage 2 places would put at risk the viability and stability of Almondbury Community School and impact adversely on the wider education in the wider local area.

Proposed admission arrangements

47. The proposed admission arrangements were reviewed by SOAG and suggestions were made about how the arrangements should be updated in accordance with the School Admissions Code. The governing body took account of guidance by the diocese and has made the changes recommended by SOAG.

48. As a voluntary aided school, the admission arrangements prioritise applicants on faith grounds, at oversubscription criteria 4 and 5, after the admission of looked after and previously looked children, siblings and children in the priority admission area (irrespective of faith or church attendance). The school therefore admits applicants on the grounds of faith only if any places remain after local children living in its priority area have been admitted.

49. The proposed PAN is 30. As current Year 2 pupils were admitted to Year R when the PAN was 50, school agreed to work with local authority on transitional arrangements to avoid the school being obliged to admit up to the level of the old PAN if families apply.

50. Primary provision at the school would be advantageous for parents/carers of Key Stage 2 children with younger siblings because of the same arrangements for school closure days, open evenings, parents' meetings and other school events, and children moving from infant to junior provision without having to apply for admission to Year 3. Children would benefit from seven uninterrupted years of primary education without a potentially unsettling transition to another school.

National Curriculum

51. The local authority has no concerns in terms of the school's current approach to delivering the National Curriculum, or the suggested approach in terms of developing the provision of a Key Stage 2 curriculum should the proposal be approved. The West Yorkshire Teaching Alliance (WYTA) has confirmed its willingness to support the school in the development of its Key Stage 2 provision. I note that WYTA has Specialist and National Leaders of Education with experience in school-to-school support.

Equal opportunity issues

52. The governing body completed the local authority's Equalities Impact Assessment template. The guidance says that "*the decision-maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed.*" From the evidence available I am persuaded that no issues of this nature are anticipated.

Community cohesion

53. The guidance states that *“schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of, and respect for, other cultures, faiths and communities.”* The decision-maker must take account of the community served by the school and the views of different sections within the community when considering the impact of the proposal on community cohesion.

54. A very large majority of the 203 responses to the consultation were in favour of the proposal. It is important to consider how the different sections within the community responded. A detailed analysis by the governing body indicates that 91 of the respondents were parents/carers including those with children at the school and local parents of pre-school children, and 88 of these parents were in favour of the proposal. The three parents who strongly opposed the proposal have children at Almondbury Community School. Of the 48 responses from staff and governors, 9 school staff and 10 governors (including one from another school) strongly supported the proposal; the 27 staff and two governors who strongly opposed the proposal were from Almondbury Community School.

55. All of the 43 local residents and the school pupil who responded were in favour of the proposal. Of the 20 other interested parties, 17 including the local Ward Councillor were strongly in favour, two were strongly opposed, and one neither supported nor opposed the proposal, commenting that *“I can see why this would offer more choice to the Almondbury families. I can't see any reason why it shouldn't happen - more continuity for children - less transition.”*

56. I have looked at a summary of the responses to the consultation. The views of the 168 parents/carers, governors, staff, local residents and other interested parties who supported the proposal praised the quality of the education children receive and the ethos in which children learn at the school; the family feel where every child is known to all staff; and the day-to-day benefits for working parents/carers of children in the same family attending the same school.

57. Other respondents supportive of the proposal comment on the benefits of stability to and continuity of education through the primary phase which eliminates a disruptive early transition point and enables children to build and sustain supportive relationships with staff and friendships with peers which contribute to children's emotional well-being and social development. Many respondents would welcome choice for parents/carers at Key Stage 2 which does not currently exist in Almondbury, and many said that the lack of choice was fracturing the local community which one respondent referred to this as a lack of cohesion in the area because some parents were opting for schools outside the village. Another respondent said that *“educationally, socially and in the interests of greater community cohesion the proposed age range extension is an excellent opportunity for everyone.”*

58. I have also considered the views of the 34 respondents who strongly opposed the proposal; I note that 27 of these were from staff and 2 from governors of Almondbury Community School. These respondents said there is adequate choice

for parents and Almondbury Community School can meet their needs; there is already a church school in the locality; there was potential damage to Almondbury Community School and its vision; the proposal represented a completely unjustified attempt to split the school age community in Almondbury; there are no educational grounds for this proposal which appears to be motivated by a desire to provide “middle class” provision. I note that the proposal is based on the same educational principles cited by the local authority as reasons for the all-through provision created at Almondbury Community School in 2014.

59. These respondents were concerned about the impact on pupil numbers, the quality of educational provision, funding and jobs at Almondbury Community School, and that having been through a lot of change in recent times, the parents of prospective Key Stage 2 pupils were being unsettled again. Yet there is the opportunity for Almondbury Community School to recruit more pupils as data provided by the local authority suggests that nearly 100 Almondbury primary-aged children are currently being educated outside their community. Almondbury Community School has the potential to attract and accommodate these children currently placed in schools outside Almondbury. Furthermore, if the proposal is implemented, it is unlikely that all children will remain at the school for Key Stage 2 provision as some families, particularly in the short term, may want their children to join siblings already at Almondbury Community School.

60. The governing body states that the school is committed to serving the local community, welcoming children from many different backgrounds, and of all faiths and none. The school admits children from the faith community only if any places remain after local children have been admitted. The school appears to reflect the diversity of the community it serves and proposes to admit children in the same way as an all-through primary school. The local authority recognised that the school is inclusive and has demonstrated this.

61. The responses strongly opposed to the proposal express concern about the potential risk to pupil numbers at Almondbury Community School, and this is only to be expected given the school has undergone significant change, the ramifications of which are still unfolding, but there are also opportunities to recruit Almondbury children currently educated in other schools. Given the great majority of response are supportive of the proposal, and the significant demand from local parents for choice of provision and higher standards at Key Stage 2, I am persuaded that community cohesion is not a determinative factor in considering this proposal.

Travel and accessibility

62. Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups. A proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. A proposal should also be considered on the basis of how it will support and contribute to the LA’s duty to promote the use of sustainable travel and transport to school.

63. The proposal included a school travel assessment which takes account of the travel arrangements and preferences of current parents and the constraints of the

school site, as well as analysing the likely impact of the proposed change of age range on travel and accessibility and summarising the actions that the school takes and will take to address travel and road safety issues. The assessment suggested that traffic in the approach roads to the school may decrease slightly, even though the school would be larger, because the number of Reception and Key Stage 1 children will be smaller, and the older Key Stage 2 children are more likely to walk or cycle to school. The school also proposed to stagger the times at which children leave the school through, for example, after school clubs. The local authority confirmed that the governing body had submitted a travel plan which was reasonable.

Funding

64. The guidance states that decision-makers should satisfy themselves that any land, premises or necessary funding required to implement the proposal will be available and that all relevant local parties (such as trustees or the religious authority) have given their agreement.

65. The diocese fully supports the proposal as the school is popular with parents, provides good quality education to its children, and would protect the school's long-term future.

66. There is a strong demand for Key Stage 2 provision at the school among local parents. The Governing Body is convinced that its proposal would provide an option popular with parents and encourage more families to educate their children locally throughout their education, thereby further strengthening the Almondbury family of schools, and as such, represents good value for money.

67. The governing body recognises its responsibility to take steps to ensure that the school is financially sustainable, and therefore the proposal was developed as a key strand in its strategy to secure the school's financial sustainability and viability for the future. It has been difficult to estimate the financial implications of the proposal as it is hard to predict how many parents/carers might wish their children to remain at the school for Key Stage 2 rather than transfer at the end of Key Stage 1. The governing body has worked with a local authority finance officer to produce financial models to 2021/2022 based on two scenarios: the "maximum" model assumes that on an annual basis from September 2017, each successive Year 3 class would have the intended 30 pupils; and the "suboptimal" model assumes the cohorts are not full, with only 25 children in each class. The rent for the Playgroup building is also factored into both models from 2020/2021.

68. The governing body confirmed that incremental growth would be managed through mixed-age classes and a judicious approach to the timing of new appointments to Key Stage 2, so that only a limited number of additional staff would need to be employed as the school increases in size. As no change to the catchment area of the School is planned, it is expected that the majority of pupils will continue to come from the immediate area surrounding the school. It was recognised that Year 3 may not be full from September 2017, as not all families with children currently in Year 2 will necessarily opt for them to remain at the school, but the consultation demonstrates considerable parental support for the proposal. The Governors will

also work collaboratively with neighbouring schools to manage the process of change.

69. The financial projections show that if the proposal to extend its age range were to be implemented, the school would move from its current small deficit budget into surplus in 2020-2021 under both the “maximum” and “suboptimal” scenarios. The conclusion of the local authority finance officer was that it would be theoretically possible, in financial terms, to establish the new Key Stage 2 provision within the projected funding streams. On this basis, the governing body predicted that their proposal is financially viable and sustainable and would contribute to the longer term financial security and stability of the school.

70. As a voluntary aided school, the governing body is the employer of school staff. If the proposal were to be implemented then additional staff would be required as the number of Key Stage 2 year groups increase over time until 2020/21 and this has been modelled in the financial projections submitted. Conversely, rejection of the proposal may require the governing body to rationalise the current staffing levels at the school to achieve a sustainable balanced budget in the short-term, but as a small infant school without the possibility of growth in pupil numbers, the school may become financially unsustainable in the longer-term.

71. Local authority officers confirmed in the report to the cabinet that *“there are no capital implications for the Council in terms of the direct implementation of the proposal ...”* but cautioned that *“there are potential capital implications for the Council in relation to the wider impact of approving the All Hallows’ proposal, in particular for Almondbury Community School as its buildings ...”*

72. Local authority officers cautioned that *“the recently brought together Almondbury Community School is still coming to terms with the budgetary consequences of being funded as one school rather than as the three previously separate schools... The effects of this upon the Almondbury’s Budget Share allocation are still being transitionally phased in and Almondbury Community School is currently working with the local authority to consider strategies to ensure its finances remain in balance. This task is providing quite a challenge ... Almondbury Community School’s financial position is currently being mitigated to a degree by modest rises in student numbers. The All Hallows’ proposal would mean that Almondbury Community School’s KS2 intakes will reduce by an average of 30 pupils per year, as these children would remain in All Hallows’ for their KS2 years.”*

73. Local authority officers cautioned that if there were also to be a reduction in pupils transferring to Almondbury Community School at Year 7 then, in the longer term, pupil numbers in Key Stages 3 and 4 would also fall with a reduction in funding. However, this may be overstating the potential adverse impact of the proposal on pupil numbers as it seems to me that the children from All Hallows’ Church of England Voluntary Aided Infant and Nursery School who would have transferred to Almondbury Community School under the current arrangements at the end of Key Stage 1 would be just as likely to transfer at the end of Key Stage 2 if the proposal were to be implemented.

74. Local authority officers also explained that Almondbury Community School operates in premises that are part of a PPP contract for which there is a fixed annual

fee of around £502,000, which does not vary with the number of students on roll. Local authority officers advised in the report to cabinet that there would be a significant risk to Kirklees Council as employer and PPP partner if Almondbury Community School had to close, and a loss to the community of school places throughout Key Stages 1 to 4.

School premises and playing fields

75. Under the School Premises Regulations all schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely. The diocese is the trustee for the land and premises and supports the proposal for a Church of England primary school for children aged 3 to 11 years.

76. The governing body provided detailed floorplans to show how the school building is currently being utilised and how the physical space would be reorganised following the implementation of the proposals. The school currently has 7 classrooms in the main building. Additional provision will be required by 2020/21 to accommodate fully the change in age range but this may be created without the need for major capital expenditure by shared use of the playgroup building located on the school site. The playgroup would continue to use the space each morning and the school would use the space in the afternoon for nursery-aged children. Relocating the nursery to the playgroup building frees up space in the school building for use by other classes.

77. Although use of the playgroup building is not required, the governing body said that solicitors acting for the school have already drafted a licence agreement, and following discussions with the playgroup, this could be finalised quickly and signed by both parties. It is proposed that the school would pay a monthly rent of £200 to the playgroup as a contribution to the running costs, which would be met from within the school's budget. Consultation responses indicate that the school and playgroup working together closely in this way would be popular with local parents and it is anticipated that this arrangement will contribute significantly to the popularity and sustainability of high quality provision for both the playgroup and the school's nursery. Although the proposal focused on removing the transition point between Key Stages 1 to 2, the governing body would welcome this opportunity to include the 0 to 3 years' provision in "the learning journey" and facilitate the transition from pre-school to school.

78. Sharing delivery space with the on-site playgroup is efficient; sharing costs and maximising the use of the building throughout the school day would create financial benefits for both users. There is an agreement in principle that for the school to have shared use of the playgroup building, it will pay rent and share the running costs of the building. The school has already consulted legal advisers about a draft agreement were the proposal be implemented.

79. The governing body also provided site maps which show that there is sufficient space to provide sports facilities to meet the curriculum requirements of the proposed primary school and also sufficient outdoor play space. In order to manage the differing ages of the children and the play spaces available, the school proposes to stagger the playtimes for Key Stages 1 and 2 to allow children to play age

appropriate games without the risks or worry of having older or younger children around. The local authority said that this is common practice in small primary schools.

80. In the report to the cabinet, local authority officers confirmed that the proposal does not rely on capital funding from the DfE or additional resource from the local authority, and that there are no particular implications for school premises and playing fields arising from this proposal.

The decision by the local authority

81. In the report to the cabinet, local authority officers said that *“the proposal has been well thought through by the governing body. The rationale put forward for changing the age range of the school is not unreasonable and there is clear support from stakeholders in the local area. However, what is also clear is that the introduction of additional places, where there is no evidence for the need for additional places does potentially have a much wider and significant impact for the Almondbury area, and in particular potentially has a serious adverse impact on the neighbouring Almondbury Community School.”*

82. It was suggested that the potential impact of the proposal would result in the loss of 120 Key Stage 2 pupils who would normally have transferred to Almondbury Community School, and a consequent significant budget deficit. Local authority officers provided detailed calculations based on this scenario and cautioned that, together with potential PPP contract implications, this may destabilise Almondbury Community School so that it would become financially unsustainable and be closed, resulting in the overall loss to the community of sufficient places throughout Key Stages 1 to 4. Local authority officers recommended, on balance, that the cabinet should reject the proposal.

83. The cabinet portfolio holder stated that the governing body had *“submitted a robust proposal for changing the upper age limit of the school, however ... there is sufficient provision across the planning area to meet basic need, and there are places available as part of linked admission arrangements for Key Stage 2 pupils at Almondbury Community School which is within walking distance for pupils from All Hallows’ and the surrounding area to attend. A careful consideration has to be balanced between the issue of demand and basic need, and the impact of that for the children, their families and the wider community, not just for the council. If All Hallows’ was to proceed with their proposal there are challenges in securing and retaining local, high quality provision for all our communities in Kirklees.”*

84. The minutes of the cabinet’s meeting on 28 November 2016, at which the decision to reject the proposal was taken, indicate that the school had set out clearly its rationale for change. The cabinet considered the 203 consultation responses, the reports, appendices and analyses provided before the meeting, and took account of written and verbal representations presented to the meeting, and a petition with 228 signatures in support of the proposal.

85. The cabinet recognised that the governing body and leaders of the school had put considerable time and effort into bringing forward the proposals, and fulfilling the requirements of the statutory process but decided to reject the proposal to change

the upper age limit of the school from September 2017. In reaching that decision, the cabinet determined that, on balance, approving the proposal would have a damaging impact upon the local area, a potential destabilising effect upon the neighbouring school, and potentially an overall loss to the community of sufficient places in Key Stages 1 to 4.

86. The governing body asserted in its letter of appeal that *“despite the high educational standards it maintains and the strong support it receives from its parents and community... the school has been adversely affected by the establishment of Almondbury Community School, is constrained by the limitations of its 3 to 7 age range and is in a vulnerable position. Almondbury Community School, by contrast, has had the benefit of considerable investment by the LA at a time when All Hallows’ has had to manage the significant impact (including financial) of the Almondbury reorganisation.”*

87. In writing to support the governing body’s appeal, the diocese said that *“providing parents with the option to continue in a strong Church school from 7 to 11 is a positive outcome...”* The diocese explained that “Church infant schools” have a more secure future when they amalgamate with a junior school or expand to deliver all-through primary provision, and that it was keen to safeguard this school’s strong provision and long-term future. The diocese said that *“there is a place for a strong community school as well as a strong church primary 3-11. We are concerned that if the decision is not reversed we might, in time, see the demise of the Church School and given the quality of provision and the strong parental support for the school this is a position the diocese will find hard to accept.”*

88. I have considered the arguments presented by the local authority with respect to the potential destabilising effect on Almondbury Community School and note that only the worst case scenario was deliberated. I am conscious that as Almondbury Community School is a community school, Kirklees Council is therefore the employer of school staff and the key partner in the PPP contract.

89. I note that the report to the cabinet included an additional section not specified in the guidance as a factor to be considered by decision-makers. This additional section considered in depth the potential financial consequences to Kirklees Council of its particular responsibilities with respect to potential staff reductions at Almondbury Community School and consequent changes to the PPP contract. I recognise that the local authority has many duties and commitments other than as decision-maker with respect to this proposal. I am persuaded that local authority officers may have overemphasised the potential adverse consequences of the proposal and insufficient weight to the potential benefits, with the result that the balance struck by the cabinet was to reject the proposal.

90. Furthermore, I consider that the potential loss to Almondbury Community School of 120 Key Stage 2 pupils, the basis of the local authority’s financial arguments, may have been overstated. From the strength of support for the proposal from local parents, there seems little doubt that many parents of Year 2 children may prefer their children to remain at the school from September 2017 were that option to be available. I consider it is unlikely that all children will remain at the school for Key Stage 2 provision as some families may prefer their children to transfer to Almondbury Community School, particularly if siblings are there already.

91. The basis of the local authority's financial arguments, and the consequent rejection of the proposal, also presupposes that Almondbury Community School would do nothing at all to stem the potential loss of pupils, yet with continued improvement in standards, it would have the opportunity to recruit local children who might otherwise seek and secure places in primary provision outside the village.

Summary of Findings

92. I have considered carefully the proposal, the consultation responses and representations, and the arguments put to me by the local authority as the initial decision-maker, the diocese, and the governing body in its appeal letter. I have noted that the aims of the proposal are similar to those stated by the local authority before it established the all-through community school in the village.

93. The governing body has worked with a local authority finance officer to develop financial projections and these demonstrate that the proposal is financially viable and sustainable long-term and would contribute to the security and stability of the school. No additional premises would need to be acquired in order for the proposal to be implemented, and capital funding is not necessary.

94. The diocese supports the proposal to extend the age range to become a primary school, and many local parents welcome the proposal for strong educational reasons including the possibility of choice with respect to Key Stage 2 provision in Almondbury. There would be practical benefits for families with Key Stage 2 children and younger siblings at the same school in terms of the same day-to-day arrangements, and children would benefit from continuity in their primary education.

95. I note the strong focus by the local authority on the potential adverse impact on Almondbury Community School, based on loss of 120 Key Stage 2 pupils which may have been overstated, the presumption that no strategic action would be taken to address the potential shortfall in pupil numbers, and the concerns raised by its staff and governors about job losses and the long-term future. I am also aware of the cautionary advice from local authority officers to the cabinet about the potential financial consequences for Kirklees Council as the employer and the key partner in the PPP contract which I find are issues beyond the factors in the guidance which must be considered by the decision-maker when considering a statutory proposal.

96. If the proposal is implemented and children were to remain at the school for Key Stage 2 provision there would undoubtedly be financial costs to Almondbury Community School but I consider these may have been overstated. Furthermore, I am persuaded that the certain financial challenges that face All Hallows' Church of England Voluntary Aided Infant and Nursery School if the proposal is not implemented outweigh the potential adverse impact on Almondbury Community School if the proposal is implemented, particularly as there would be the time and opportunity for it to reduce the negative financial consequences by recruiting local children currently in schools outside Almondbury. High quality Key Stage 2 provision at the school and continued improvement at Almondbury Community School may encourage more local children to complete their education in Almondbury.

97. For the reasons stated in the paragraphs above, I approve the proposal.

Determination

98. Under the powers conferred on me by section 21 of the Education and Inspections Act 2006, and the School Organisation (prescribed Alterations to Maintained Schools) (England) Regulations 2013 made thereunder, I uphold the appeal against the decision to reject the proposal to extend the age range of All Hallows' Church of England Voluntary Aided Infant and Nursery School, Almondbury, Huddersfield with effect from 1 September 2017. Accordingly, I approve the proposal to extend the age range of All Hallows' Church of England Voluntary Aided Infant and Nursery School, Almondbury, Huddersfield with effect from 1 September 2017.

Dated: 10 March 2017

Signed:

Schools Adjudicator: Ms Cecilia Galloway