

## **DETERMINATION**

**Case reference:** ADA002259

**Objector:** Culcheth High School

**Admission Authority:** Warrington Borough Council

**Date of decision:** 16 July 2012

### **Determination**

**In accordance with section 88H (4) of the School Standards and Framework Act 1998, I uphold the objection by the governing body of Culcheth High School to the planned admission number determined by Warrington Borough Council for the school for admissions in September 2013**

**By virtue of section 88 K (2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements as quickly as possible.**

### **The referral**

1. Under section 88H (2) of the Schools Standards and Framework Act 1998, (the Act), an objection has been referred to the Adjudicator by the governing body of Culcheth High School (the School), about the admission arrangements (the arrangements) for the school, a community high school for pupils aged 11to18 for September 2013. The objection is that the School's request for its Published Admission Number (PAN) to be increased from 210 to 230 was refused.

### **Jurisdiction**

2. These arrangements were determined under section 88C of the Act by Warrington Borough Council, the local authority (LA), which is the admission authority for the School. The School submitted its objection to these determined arrangements on 16 May 2012. Regulation 21(1)(d) of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 permits the governing body of a community or voluntary controlled school to object to a decision not to change the admission number. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it 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 objector's letter of objection dated 16 May 2012;
  - b. the LA's response to the objection and supporting documents;
  - c. the Council's composite prospectus for parents seeking admission to schools in the area in September 2012;
  - d. maps of the area identifying relevant schools;
  - e. copies of the minutes of the meeting of the Local Admissions Forum of 21 March 2012 requesting that a consultation be held on the request to increase the PAN at Culcheth together with a report of that consultation; and
  - f. a copy of the determined arrangements.

### **The Objection**

5. The School maintains that it has been significantly oversubscribed for a number of years and has argued unsuccessfully for the LA to increase its PAN in order to respond to parental preferences.

6. Recent changes to legislation have encouraged popular and successful schools to grow. Section 1.3 of the Code reads:

“..... Community and voluntary controlled schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish. There is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator **must** have regard when considering any such objection.”

### **Background**

7. Over the past three years the School has requested an increase in their PAN. Each year the LA has considered the request and on each occasion has not supported such an increase. The reasons given are

- a. The LA conducted a review of secondary places in 2008. As a result PANs were set and that for Culcheth was set at 210. As the secondary school age population was decreasing, one community school had to close. Another school in the area still has a high number of places available.
- b. The School benefited from a new building which was fully utilised from September 2010 and allowed the school to accommodate 1260 pupils. 1050 pupils would be in Years 7 to 11, and 210 post-16. While this is currently satisfactory, were the PAN to be increased and the school successfully increase

the number of pupils staying on post 16, then the current buildings might not suffice.

8. Consultation.

At a meeting on 21 March 2012 the Warrington Local Admissions Forum asked the LA to consult with other schools in the area about Culcheth's request to increase its PAN, before the admission arrangements were determined for community and voluntary controlled schools on 15 April. Responses to the consultation were universally negative. Comments made by the eight schools that replied were remarkably similar.

- a. The impact on other secondary schools in the area, when there are already abundant surplus places.
- b. A proposed free school in nearby Woolston which, were it to open as currently planned in September 2012 and be successful in attracting pupils, would exacerbate the situation yet further.
- c. There is no significant increase in housing nor do there seem to be any demographic changes to the population.
- d. Increasing the PAN could encourage pupils from outside the area to travel to the School, increasing congestion on minor roads around the village which are already heavily used.

**Consideration of Factors**

9. I have to begin by referring back to the Code quoted above:

There is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator **must** have regard when considering any such objection.

10. The onus therefore must lie with the LA, as the admissions authority for the School, to make arguments that are sufficiently strong to outweigh the "strong presumption" in favour of the School

Impact of the arrangements on other schools.

11. The LA have provided data for applications to the School and the two nearest secondary schools, which demonstrate both the level of over- or under-subscription and, in the case of Culcheth, how many applications come from out of area.

Culcheth School

YEAR	PAN	TOTAL NO. OF APPLICATIONS RECEIVED AS AT 1 MAR	NO. OF OUT OF AREA APPLICATIONS REFUSED
2012	210	258	25
2011	210	256	20
2010	210	243	9

Birchwood Community High School

YEAR	PAN	TOTAL NO. OF APPLICATIONS RECEIVED AS AT 1 MAR	NO. OF OUT OF AREA APPLICATIONS REFUSED
2012	210	223	0
2011	210	245	0
2010	210	263	0

Lysander Community High School

YEAR	PAN	TOTAL NO. OF APPLICATIONS RECEIVED AS AT 1 MAR	NO. OF OUT OF AREA APPLICATIONS REFUSED
2012	180	131	0
2011	210	124	0
2010	210	130	0

12. The LA conducted a review of secondary places in 2008 and PANs were agreed. As the secondary school population was decreasing, one community school was closed. Despite that, it can be seen from the tables above that while one of the two nearest schools to Culcheth is over subscribed, the other has a significant number of places available in every year group.

13. In addition, a free school is being planned to open in September 2012. A temporary site has been identified at Padgate, some 4.5 miles away (slightly further away than Lysander, above), and the school will seek to admit up to 120 Year 7 pupils.

14. While it is therefore understandable that the LA and other local schools are concerned at the negative effect of allowing an increased PAN for Culcheth, there is an acknowledgment in the consultation responses that the opening of the free school could potentially have a more significant impact on the intake of neighbouring schools which are already struggling to recruit to their full PAN.

15. The Culcheth catchment area is largely bounded by other authorities, Salford and Wigan. Tabled figures above show that any additional pupils are likely to come from outside the Warrington area.

16. As the table below for 2011-12 shows, the School has already accepted a number of children over its PAN, due to successful appeals and exceptional admissions when children move into the area and agreed 'exceptional circumstances' apply. So the impact of any increase in the PAN could be partially mitigated.

YEAR	PAN	CURRENT NOR
7	210	211
8	210	214
9	210	213
10	210	218
11	210	183

### Access to the school

17. According to the LA, Culcheth is a semi-rural area and the most access to the village is by minor roads which are not designed for heavy traffic. Most other schools consulted comment on the probable increased congestion.

18. The school conducted some research in September 2011 on how pupils travel to school. Over 75% of children either walk to school or arrive by bus, all of which helps minimise local congestion. The school further points out that there is a direct bus from Leigh (in the Borough of Wigan ) which is used by the majority of students who live in that area.

	Number of students	% of total
Car share	38	3.2%
Car/van	188	16.1%
School bus	394	33.7%
Public bus	93	7.9%
Walk	411	35.1%

### Buildings.

19. As explained above, the LA believes that the School should be responding to governmental encouragement to increase participation in post 16 education. If it is successful in doing this, then the School might well find itself short of adequate accommodation.

20. The School tells me that sixth form numbers are under capacity (125 against 210) and that they do not anticipate a significant growth in sixth form numbers in coming years. The reason for this is because they face competition from a range of post-16 providers locally. In recent years the number of young people returning to the sixth form has typically ranged from 60-80 students. If this trend continues, as the governors believe it will, then this will allow the School to accommodate an extra 20 pupils in other year groups in existing accommodation.

21. The School benefitted from a new building in 2010, designed to accommodate 1260 pupils. The plan was for 1050 pupils in Years 7 to 11, and 210 students staying on for the sixth form. In the event the number of post-16 students is 125 and, as stated in the previous paragraph, that number is not expected to rise significantly. So the School believes that it will have the capacity to accept 230 pupils in Years 7-11 without needing further building.

### The Curriculum

22. The School believes that curriculum planning will be made less difficult with 230 pupils rather than the current situation where each year group has more than the 210 PAN. However, it has to be said that an increase of the PAN to 230 will not necessarily mean that each year group will not have more than 230 pupils. Were the school to accept 230, there might well still be

further children admitted for particularly good reasons, though perhaps fewer than in previous years.

### Academy Status

23. The School is resolved to move to academy status as soon as it can. However, conversion is delayed until the financial situation is settled. An outstanding loan made by the LA to enable a Building Schools for the Future programme to proceed will need to be repaid. Discussions are taking place between the School, the LA and the Department for Education, but as yet the issue has not been resolved satisfactorily

### **Conclusion**

24. As I consider the arguments, I can quite understand why the LA, with the support of other local schools, has not agreed to Culcheth's request to increase its PAN. At a time when the number of students requiring secondary school places was falling, the LA has already had to take the unpopular decision to close one of its schools, and even then there was pressure on some other schools that were not attracting sufficient applications to fill their available places. That situation continues to cause concern for the LA

25. However, the fact that there may be a current surplus of places already in the system locally is not a sufficient argument for not permitting such schools to open. In addition, the legislation allows popular and successful schools to expand if they wish. As stated above, the Code requires adjudicators to have a strong presumption in favour of such an increase to the PAN. That is why governing bodies of community schools have a legal right to object to the Adjudicator if their wish is not granted.

26. As far as impact on other secondary schools is concerned, the LA already has a surplus of secondary school places. Now with the Free School planning to open in September 2012 with up to 120 Year 7 students it is understandable that as planners and as the education authority, they would want to resist the proposal from Culcheth to increase their PAN by 20 places.

27. But on the other hand, the School already has more than 210 pupils in each year group. The table above showing the level of applications for the past three years demonstrates an increasing level of oversubscription each year. The number of students applying from neighbouring LAs is growing even more. This is a popular school.

28. I have therefore to presume that while there may be some impact upon other secondary schools in the locality, the majority of extra children will probably come from out of area. Even then the numbers involved are not great.

29. Similarly with traffic issues. It is never possible to say precisely how pupils will come to school, but the School's figures do show that most of the extra students are likely to come to school by public transport.

30. Were I to uphold the objection, it will be for the School to decide how best to use the existing buildings, and also how best to organise the curriculum. No one has argued that it would be impossible nor that it would have a negative impact on students' physical environment or education were an increase to be granted.

31. I am clear therefore that given I must have regard to the strong presumption in favour of an increase to the PAN, I should uphold the School's objection to the refusal by the LA to increase its PAN for admissions in September 2013 as the arguments against an increase are not sufficiently persuasive.

### **Determination**

32. In accordance with section 88H (4) of the School Standards and Framework Act 1998, I uphold the objection by the governing body of Culcheth High School to the planned admission number determined by Warrington Borough Council for the school for admissions in September 2013

By virtue of section 88 K (2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements as quickly as possible.

Dated: 16 July 2012

Signed:

Schools Adjudicator: Dr Stephen Venner



Address **Culcheth, Warrington**  
**UK**

