



Office of  
the Schools  
Adjudicator

## DETERMINATION

**Case reference:** VAR697

**Admission Authority:** The Metropolitan Borough of Sefton for St Andrew's Maghull Church of England Primary School

**Date of decision:** 11 January 2017

### **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 Metropolitan Borough of Sefton for St Andrew's Maghull Church of England Primary School for September 2017.**

**I determine that for admissions in September 2017 the published admission number shall be 30.**

### **The referral**

1. The Metropolitan Borough of Sefton, which is the local authority and admission authority for St Andrew's Maghull Church of England Primary School (the school), has referred a variation to the Adjudicator concerning the admission arrangements for the school, a voluntary controlled primary school for pupils aged 4-11 years, for September 2017. The variation requested is to reduce the published admission number (PAN) of the school from 60 to 30 as the number of pupil places required for area has reduced; the school has been undersubscribed for several years but now faces significant financial difficulties.

### **Jurisdiction**

2. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which states that:

*“proposed variations fall within any description of variations prescribe “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 does for the purposes of this section] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations.”*

I am satisfied that the proposed variation 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 local authority's form of referral of 29 November 2016 and supporting documents;
  - b. the determined arrangements for September 2017 and the proposed variation to those arrangements;
  - c. a copy of the local authority's composite prospectus for parents seeking admission to schools in the area in September 2017;
  - d. correspondence and minutes of meetings from the school's governing body;
  - e. a copy of the notice informing the appropriate bodies about the proposed variation; and
  - f. information from the faith body, the Diocese of Liverpool, (the diocese) received 18 December 2016.

## **Background and consideration of factors**

5. The school is in Maghull in the north east of Liverpool, where a number of schools have surplus places. The local authority reports that most of the primary schools in the area are one form of entry and have fewer surplus places than the school. I can see from the data provided that, of the 20 nearest schools, only two have two forms of entry. The school has not been oversubscribed for ten years. In the last three years the school did not admit to PAN but admitted over 40 pupils against its PAN of 60. The local authority reports that by the end of November, formal enquiries for places at the school were 29-30 and at the same time in the last two years the number of enquiries was substantially greater. The school had continued to maintain a PAN of 60 as there are proposed housing developments in the area but no building work has begun. If the PAN is not reduced and the school cannot reorganise its staffing the local authority forecasts a budget deficit of £80,000 for 2017-18.
6. Evidence provided by the local authority shows that the governing body has been considering the financial sustainability of the school for some time and in detail for the past two years. The options considered include: closing the school; introducing more mixed age classes and becoming a one form of entry school. The local authority is of the view that the decline in the demand for pupil places is causing such financial difficulties that the school should become a one form of entry school and is consulting on a reduction in the PAN for 2018. However, if the PAN is not reduced for 2017 the school may have to employ staff for two reception classes when it is highly unlikely to have sufficient pupils to generate the funding for this and will have to continue with mixed age classes for a further year than is provided for with the 5 year strategic plan which would see the natural expiry of vertical grouping classes in 2023.

7. The local authority determined the admission arrangements for September 2017 on 9 February 2016. At this time the options for the future of the school were still being discussed and a PAN for the school of 60 was determined.

8. The governing body and the diocese have written to support the reduction in the PAN. At the meeting 15 November 2016 the governing body noted that a move to one form of entry from September 2017 was the only option “*which gave financial sustainability, offered future flexibility (to Sefton LA) to expand, offered increased attractiveness to academies and provided a financial projection which would allow investment in schooling.*” The local authority has notified all the parties required by the Code about this request for a variation and has reported two responses, both in favour of the variation.

9. The school has been undersubscribed for a number of years. Demand for pupil places has reduced to a level that a second reception class is not required and will exacerbate the financial difficulties if the school remains as a two form of entry school with two reception classes. The local authority considers that these factors constitute a major change in circumstance requiring a variation.

10. I consider that the reduction in the PAN from 60 to 30 is an appropriate response to the circumstances in which the school finds itself. A PAN of 30 for September 2017 will enable the school to plan its staffing requirements without concern that a high number of in year admissions may lead to a second reception class having to be organised and staffed which could in turn delay its progress towards achieving financial stability. The governing body has provided information to show that a reduction in the PAN for 2017 would enable the school to set a budget that is not in deficit for the first time for several years for the financial year 2019. I find that the appropriate procedures were followed and that the relevant parties were notified. I am satisfied that the proposed variation addresses the circumstances described.

### **Conclusion**

11. The school is facing a number of financial issues which will be worsened if obliged to provide places that are not required or filled. I consider it necessary to reduce the PAN for September 2017 to 30 and therefore approve the requested variation.

### **Determination**

12. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the Metropolitan Borough of Sefton for St Andrew’s Maghull Church of England Primary School for September 2017.

13. I determine that for admissions in September 2017 the published admission number shall be 30.

Dated: 11 January 2017

Signed:

Schools Adjudicator: Miss Jill Pullen