



DETERMINATION

Case reference: VAR725

Admission Authority: Trafford Council for Flixton Junior School

Date of decision: 23 August 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 Trafford Council for Flixton Junior School for September 2017 and September 2018.

The variation is to set a published admission number of 60 for Reception. I determine that for admissions in September 2017 and September 2018 the published admission number shall be 60.

The referral

1. Trafford Council, the local authority and admission authority for Flixton Junior School (the school), has referred a variation to the adjudicator concerning the admission arrangements for the school, a community school for pupils aged 7-11 years, for September 2017 and September 2018. The variation that has been requested is to decrease the published admission number (PAN) from 62 to 60. This change is sought as, following the approval of statutory proposals to extend the age range of the school and cease to maintain Flixton Infant School, Flixton Junior School will become Flixton Primary School from September 2017. The change is sought on the basis of the capacity of the proposed primary school and the requirement to comply with infant class size regulations.

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:
“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”.

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

Procedure

4. In considering this matter I have had regard to all relevant legislation, guidance and the School Admissions Code (the Code).
5. The documents I have considered in reaching my decision include:
 - a. the request for an in-year variation for admissions to Reception (YR) in September 2017 and September 2018 submitted by the local authority, and associated documents;
 - b. a copy of the public consultation document about the proposed “amalgamation” of Flixton Infant School and Flixton Junior School;
 - c. a copy of the statutory notice published on 25 May 2017 to cease to maintain Flixton Infant School and to extend Flixton Junior School (to be renamed Flixton Primary School); and
 - d. the statement of executive decision by the local authority on 13 July 2017 to approve the statutory proposals, subject to the approval of a variation to the PAN.

Background and consideration of factors

6. The school is a community school and the local authority is the admission authority. The local authority, on 28 November 2016, took a formal decision to consult on the amalgamation of Flixton Infant and Junior Schools by ceasing to maintain Flixton Infant School and extending Flixton Junior School to become a primary school with an age range from 3-11 years.
7. The local authority has a strategic objective to merge separate infant and junior schools where there are no contradictory indicators such as size or locations. The intention is to reduce the number of points of transfer between schools. The schools share adjoining sites and the governing bodies at both schools are in favour of such an amalgamation.
8. The consultation began on 3 January 2017 and ended on 17 February 2017. No objections were received. As noted above, the statutory proposal was published on 25 May 2017 and the proposal determined on 13 July 2017.
9. The admission arrangements for both schools for 2017 were determined in line with the Code and before the local authority made its decision on amalgamation on 13 July 2017. The consultation for admission arrangements in 2018, including PANs, was underway while the consultation about the proposed amalgamation was taking place. The PAN was set at 60 for the Infant School and 62 for the Junior School. 60 places were allocated for September 2017 for the Infant School. All

applicants have been informed that the allocation will be automatically transferred to Flixton Primary School.

10. As the Junior School will continue in existence but, with an expanded age range and a new name, the existing PAN of 62 would – without this variation - apply and the school would have no PAN for YR. The local authority needs to set a PAN for YR and considers that this cannot be a PAN of 62 as this would have a significant impact on the finances of the school because of the infant class size legislation and the need to have an additional teacher in a class of 32. Implementation of the amalgamation is subject to the adjudicator’s decision to set a reduced PAN of 60 for YR.
11. Until the PAN of 60 at the Primary School works its way through each year, the local authority intends that the school will continue to provide for 62 children in each of years 3, 4, 5 and 6, although they will not be relevant years of entry, so that no child is disadvantaged by the process. No applications were received specifically to enter Y3 in September 2017 but 60 children were transferred automatically from the infant school and two places were allocated from the waiting list/new applications in accordance with oversubscription criteria.
12. The Code sets out in paragraph 3.6:
*“Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified.”*
13. Paragraph 3.7 sets out:
*“Admission authorities **must** notify the appropriate bodies of all variations and **must** display a copy of the full varied admission arrangements on their website until they are replaced by different admission arrangements.”*
14. The appropriate bodies are set out in footnote 61 of paragraph 3.6:
“In addition to the bodies listed at paragraph 1.44 (c), (d) and (f) and so far as not covered by them, all governing bodies for community and voluntary controlled schools in the relevant area.”
15. The relevant parts of 1.44 state:
*“c) all other admission authorities within the relevant area (except that primary schools need not consult secondary schools);
d) whichever of the governing body and the local authority who are not the admission authority; and
f) in the case of schools designated with a religious character, the body or person representing the religion or religious denomination.”*

16. The local authority notified all primary schools within a three-mile radius about the proposal to reduce the PAN and published a notice for relevant parents and groups.
17. The decision to amalgamate the two schools with no additional accommodation and the need to comply with the infant class size legislation constitutes a major change in circumstances and the variation addresses the problems arising from this change in circumstances.
18. I have concluded that the variation which the school has requested is necessary to support the effective running of the new primary school. It is intended that the new school opens on 1 September 2017. It is necessary to reduce the PAN in order to maintain an appropriate number of children in the school.

Determination

19. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Trafford Council for Flixton Junior School for September 2017 and September 2018.
20. The variation is to set a published admission number of 60 for Reception. I determine that for admissions in September 2017 and September 2018 the published admission number shall be 60.

Dated: 23 August 2017

Signed:

Schools Adjudicator: Mrs Lorraine Chapman