



DETERMINATION

Case reference: VAR831

Admission Authority: Blackburn with Darwen Council for St Michael and St John Church of England Primary School, Blackburn.

Date of decision: 11 March 2019

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Blackburn with Darwen Council for St Michael and St John C of E Primary School, Blackburn for September 2019.

I determine that for admissions in September 2019 the published admission number shall be 45.

The referral

1. Blackburn with Darwen Council, which is the local authority (LA) for the area, has referred a proposed variation for St Michael and St John Primary School (the school), for September 2019 to the Office of the Schools Adjudicator (OSA). The school is a Church of England voluntary controlled primary school for children aged 4 -11 in Blackburn. The Diocesan authority (the diocese) for the school is the Diocese of Blackburn.
2. The proposed variation is to reduce the published admission number (PAN) from 60 to 45 for September 2019.

Jurisdiction

3. The referral was made 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".

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

Procedure

5. In considering this matter I have had regard to all relevant legislation, and the School Admissions Code (the Code).
6. The documents I have considered in reaching my decision include:
 - a) the LA's referral dated 15 February 2019 and supporting documents;
 - b) the determined arrangements for 2019 and the proposed variation to those arrangements;
 - c) comments from the school with supporting documents;
 - d) comments from the diocese;
 - e) the local authority's information for parents seeking admission to schools in the area in September 2019; and
 - f) the notification sent to the bodies required by the Code.

The proposed variation

7. The proposed variation was received by the OSA on 15 February 2019. The effect of the variation would be to reduce the PAN for September 2019 from 60 to 45. This variation is being sought because the number of pupils applying for and being allocated places at the school has reduced. The LA reports that since 2013, there has been an increase in the surplus capacity of primary places in the school's planning area. This has resulted in a decrease in the number of families choosing to send their children to St Michael with St John CE Primary School. The surplus places have created significant challenges for the school in respect of providing a cost effective class structure and managing to maintain a balanced budget. Although the school has managed the budget effectively over the past five years the governing board reports that this is no longer sustainable and the forecast in the long term financial plan indicates that the school will have a significant deficit budget if the PAN is not reduced.

8. The LA reports that reducing the PAN at the school will assist the school's governing board to provide stability in its long-term planning and allow the school to continue to secure high quality educational outcomes for the students currently on roll, while continuing to provide an appropriate number of places for future pupil numbers in-line with demand. The diocese supports the proposed reduction in PAN.

Consideration of case

9. The school has not admitted up to its PAN in recent years as can be seen from in the following table, which was provided by the LA.

September	PAN	Number of first preferences	Number of places allocated	Number of appeals lodged	Number of appeals upheld
2015	60	30	42	0	0
2016	60	23	39	0	0
2017	60	24	36	0	0
2018	60	25	42	0	0

10. The numbers of places that the LA forecasts will be required by the school in future years is set out below:

Year	Number of places forecast to be required
2019	39
2020	40
2021	43

11. The LA does not consider that there will a requirement for increased pupil places in the foreseeable future within the area of the school and within the neighbouring schools. It reports that there are plans to build 182 new homes in the area over the next five years. The majority of these properties will be one or two bedroom apartments. It is not anticipated that the new housing developments will significantly increase the number of primary age pupils within the area.
12. The school is often requested to admit children during an academic year. However, the LA says that there is a high transient pupil population, and

as a result the school is not in an area where a contingency level of additional school place capacity is required.

13. The diocese responded to the variation and considers that it would be both beneficial and necessary for the school. The diocese is confident that the variation will have limited impact on parents and the local community because of the number of surplus places in the area.
14. I am satisfied that the LA has informed those bodies that the Code requires about the proposed variation. I am also satisfied that by removing these places from the area there will continue to be sufficient places across the local planning area to meet demand and the evidence provided shows that all parents who wished to gain places for their children at the school have been allocated them and that this situation is not projected to change. I am satisfied therefore that there will not be a reduction in the council's ability to meet parental demand for places in the area. The number of children admitted to Year R in each of the past four years has been below the proposed PAN of 45. I therefore approve this request for a reduction of the PAN from 60 to 45 for the academic year beginning in September 2019.

Summary

14. The LA, with the full support of the governing board, has requested this reduction in PAN from 60 to 45 from September 2019 to assist the school with stability of numbers to enable budget planning and curriculum delivery. The reduced PAN will not adversely affect the local authority's ability to secure the provision of school places nor has any evidence been provided that parents who wish their child to attend the school will be unable to secure a place there. Following review of the pupil number forecasts a decision was made to request a variation. The LA and the governing board have taken the necessary steps to make the request, it is supported by the diocese and I approve it.

Determination

15. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Blackburn with Darwen Council for St Michael and St John C of E Primary School, Blackburn for September 2019.
16. I determine that for admissions in September 2019 the published admission number shall be 45.

Dated: 11 March 2019

Signed:

Schools Adjudicator: David Lennard Jones