



Office of
the Schools
Adjudicator

Determination

Case reference: VAR886

Admission authority: Kirklees Council for Almondbury Community School, Huddersfield

Date of decision: 30 September 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 Kirklees Council for Almondbury Community School for September 2020.

I determine that for admissions in September 2020 the published admission number for the reception year shall be 30 and that there shall be no published admission number for year 3.

I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

The referral

1. Kirklees Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2020 for Almondbury Community School (the school) to the Office of the Schools Adjudicator. The school is a community school for children aged 3 to 16 in Huddersfield. As a result of a statutory proposal determined by the local authority on 16 July 2019, the age range of the school will change to 3 to 11 in September 2020.

2. The proposed variation is to reduce the published admission number (PAN) for admission to the reception year (YR) in September 2020 to 30 and to remove the PAN that provides for additional children to be admitted at year 3 (Y3).

Jurisdiction

3. 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”*.
4. I am satisfied that the proposed variation is within my jurisdiction.
5. I am also satisfied that it is within my jurisdiction to consider the determined arrangements in accordance with my power under section 88I of the Act as they have come to my attention and to determine whether or not they conform with the requirements relating to admissions and if not in what ways they do not so conform.

Procedure

6. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
7. The documents I have considered in reaching my decision include:
 - a. the referral from the local authority dated 28 August 2019 and supporting documents, including current and projected pupil numbers in the planning area in which the school is located;
 - b. the determined arrangements for September 2020;
 - c. a copy of the local authority’s guide for parents seeking admission to schools in the area in September 2020;
 - d. a map showing the location of the school and other relevant schools;
 - e. a letter from the Regional Schools Commissioner to the chair of the interim executive board of the school; and
 - f. a letter from the local authority confirming that the appropriate bodies have been notified about the proposed variation.

Consideration of the arrangements

8. The admission arrangements (the arrangements) for the school are the generic arrangements for community and voluntary controlled schools in Kirklees. When I considered these determined arrangements, it appeared to me that they did not comply with the requirements relating to admissions in the following ways:

- (a) It is stated that the PAN *“is the maximum number of places that the school can offer in each year group.”* Paragraph 1.2 and footnote 11 of the Code make clear that PANs only relate to the normal year(s) of entry;
- (b) The definition of previously looked after children refers to residence orders. Residence orders have been replaced by child arrangements orders;
- (c) It is stated that waiting lists will ‘close’ on the last school day in December. Paragraph 2.14 requires waiting lists to be maintained until at least 31 December of each school year of admission; and
- (d) Although some information is provided, the process for requesting admission out of the normal age group does not seem to be made clear, as required by paragraph 2.17 of the Code.

I provided the local authority with the opportunity to comment on these matters.

The proposed variation

9. The school is currently an “all-through” school, providing both primary and secondary education. With respect to the primary phase of the school, the PANs for admission in September 2020 were determined by the local authority on 19 February 2019 as 60 *“for KS1”* and 110 *“for KS2”*. It is clear from other material submitted by the local authority that normal years of entry to the primary part of the school are YR and Y3. The PAN for YR is 60 and it is intended to provide for 50 additional entrants at Y3. It appears that the PAN *“for KS2”* has been determined based on the misunderstanding I identified in paragraph 8 (a) above. It should have been determined as 50 for Y3. This is of little practical consequence as the school admitted no additional pupils into Y3 in September 2019 to join those who were already at the school and were progressing from Y2.

10. Following a judgment by OfSTED that the school requires Special Measures, the local authority determined a statutory proposal on 16 July 2019 that the age range of the school will change from September 2020 so that it will provide only for children aged 3 to 11. The local authority reports that,

“In discussion with the Regional Schools Commissioner (RSC) an academy order has been issued on the premise that the council will make the above decision [that is, the change of age range] and that Almondbury Community School as a primary school will

convert to an Academy on the basis of a 210 place school with an admission number of 30 places per year group.”

Although there appears to be some local confusion about the definition of PANs, it is clear to me that the local authority is requesting, by way of variation, that the PAN for YR is reduced from 60 to 30 and that Y3 is no longer a normal year of entry and therefore there has no PAN.

11. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be changed, that is varied, if there is a major change of circumstance or certain other limited and specified circumstances. I will consider below whether the variation requested is justified by the change in circumstances.

12. Paragraph 3.6 of the Code also requires that relevant parties be notified of a proposed variation. The local authority has provided me details of its notification of the proposed variation and the list of schools to which it was sent. I am satisfied that all relevant bodies have been notified and any views that were expressed have been taken into consideration. I find that the appropriate procedures were followed.

Consideration of proposed variation

13. The decision that it will provide only primary education from September 2020 represents a very significant change for the school. This decision was made after its admission arrangements were determined. A letter from the RSC to the chair of the school's interim executive board makes clear that it is her expectation that the school will become “1FE”, that is, catering for 30 pupils in each of the seven primary year groups. The local authority has informed me that an academy sponsor has been confirmed on this basis.

14. Table One shows the numbers of children whose parents made the school a first preference for admission to YR at the school over the past four years, as well as the numbers of places allocated and the numbers currently on roll in that year group.

Table One: Preferences, allocations and pupil numbers at Almondbury Community School

Year of admission to YR (September)	First preferences	Places allocated	Number currently in the Year Group
2016	29	38	39
2017	19	34	39
2018	23	29	30
2019	27	31	29

These figures show that the number of first preferences expressed for the school has not exceeded the proposed PAN of 30 in any of the past four years and that the number currently on roll in both YR and Y1 is 30 or fewer.

15. In its variation request form, the local authority explains the financial difficulties the school has experienced.

“For a number of years [the school] has operated with a high number of unfilled places and the school has a significant and increasing budget deficit as a result of this.”

I recognise that reducing the PAN to 30 could potentially have financial benefits for the school. It would enable it to plan to operate with one class for children in YR, with one teacher. If the PAN were to remain at 60 but the number of children allocated places in YR exceeded 30, even by a small margin, two qualified teachers would be required for pupils in YR, or a structure would need to be adopted that involved mixing children from more than one year group in the same class, due to the regulations relating to the size of infant classes. As schools are funded principally on the basis of the number of pupils on roll, the appointment of an additional teacher could be a significant burden on the school's resources. I am aware, too, that many schools are extremely reluctant to mix children in YR and Y1 in the same class, for teaching and curriculum reasons, although many other schools do so very successfully.

16. Whilst the benefits of the proposed reduction in PAN are clear to me, I need to be satisfied that such a variation will not cause difficulties to parents and children living in the area. The school is located within the Huddersfield South East planning area, in which there are six primary schools currently with a total PAN for admission to YR of 345. One of these schools is an infant school; its linked junior school has the same PAN. For admission in September 2019, there was a total of 323 children resident in the planning area who were of an age to begin in YR. At the national offer day, a total of 277 places had been allocated in YR at the six schools in the area. The number of children resident in the area due to begin in YR in September 2020 is smaller; it is 291. Assuming a broadly similar pattern of allocations, I would expect there to be enough school places in the area if the PAN at Almondbury Community School were reduced to 30, reducing the total of the PANs at the six schools to 315.

17. It is impossible to be certain that 30 places at Almondbury Community School will be sufficient for every child whose parent makes it a first preference for admission in September 2020, but the number of first preferences has not reached 30 in any of the past four years. Of the children allocated places at the school in YR in September 2019, 15 lived in the school's own catchment area and 11 had an older sibling at the school but did not live in the catchment area. I would be concerned if significant numbers of children in these categories would have difficulty in obtaining a place at the school as a result of a reduction in its PAN, but past patterns of enrolment strongly suggest that this is unlikely. Furthermore, there does not appear to be any demand for additional places to be made available at the school in Y3.

18. I have not been made aware of any responses from the relevant bodies that were informed of the proposed variation. I consider that the proposed reduction in PAN is justified by the school's change in circumstances. I approve the variation.

19. In respect of those parts of the arrangements that I considered did not comply with the requirements relating to admissions, the local authority undertook to make amendments "*at the earliest opportunity*." The Code requires it to do so within two months of the date of this determination.

Determination

20. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Kirklees Council for Almondbury Community School for September 2020.

21. I determine that for admissions in September 2020 the published admission number for the reception year shall be 30 and that there shall be no published admission number for year 3.

22. I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

23. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

Dated: 30 September 2019

Signed:

Schools Adjudicator: Peter Goringe