



Office of
the Schools
Adjudicator

Determination

Case reference: VAR887

Admission authority: Kirklees Council for Newsome High School,
Huddersfield

Date of decision: 3 October 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 Newsome High School for September 2020.

I determine that for admissions in September 2020 the school's catchment area shall be expanded to the extent proposed by the council.

The referral

1. Kirklees Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2020 for Newsome High School (the school) to the Office of the Schools Adjudicator. The school is a community school for children aged 11 to 16 in Huddersfield.
2. The proposed variation is to enlarge the catchment area of the school.

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.

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 referral from the local authority dated 2 September 2019 and supporting documents;
 - 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, its catchment area and the proposed enlargement, and other relevant schools;
 - e. the local authority's school organisation document, "*Securing sufficient school places 2018-2021*";
 - f. a letter from the chair of the governing board of the school indicating its support for the proposed variation; and
 - g. a letter from the local authority confirming that the appropriate bodies have been notified about the proposed variation.

Consideration of the arrangements

7. The admission arrangements (the arrangements) for the school are the generic arrangements for community and voluntary controlled schools in Kirklees. I reviewed these arrangements when considering another variation proposed by the local authority (VAR886 Almondbury Community School). I found that, in a number of ways, the arrangements did not comply with the requirements relating to admissions. The Code requires the local authority to revise its admission arrangements within two months of the date of that determination. I will not repeat those findings here.

The proposed variation

8. The proposal to enlarge the catchment area of the school is a consequence of a re-organisation of the provision of secondary education to the south and east of Huddersfield. On 16 July 2019 the local authority determined a statutory proposal to change the age range of a neighbouring school, Almondbury Community School (ACS), from 3 to 16 to 3 to 11, with effect from September 2020. ACS has a catchment area (known locally

as a priority admission area) for admission to its secondary phase, which comprises all or part of the catchment areas of several primary schools. The catchment areas of community and voluntary controlled schools in the local authority area are part of the admission arrangements that were determined on 19 February 2019.

9. The local authority is proposing that ACS's secondary phase catchment area is redistributed, in three sections, to the catchment areas of three neighbouring secondary schools. Requests for variations to admission arrangements have been made in respect of the three schools, namely:

- Newsome High School, which is the subject of this determination;
- Netherhall Learning Campus High School, also a community school, which is the subject of determination VAR888; and
- King James's School, which is an academy school.

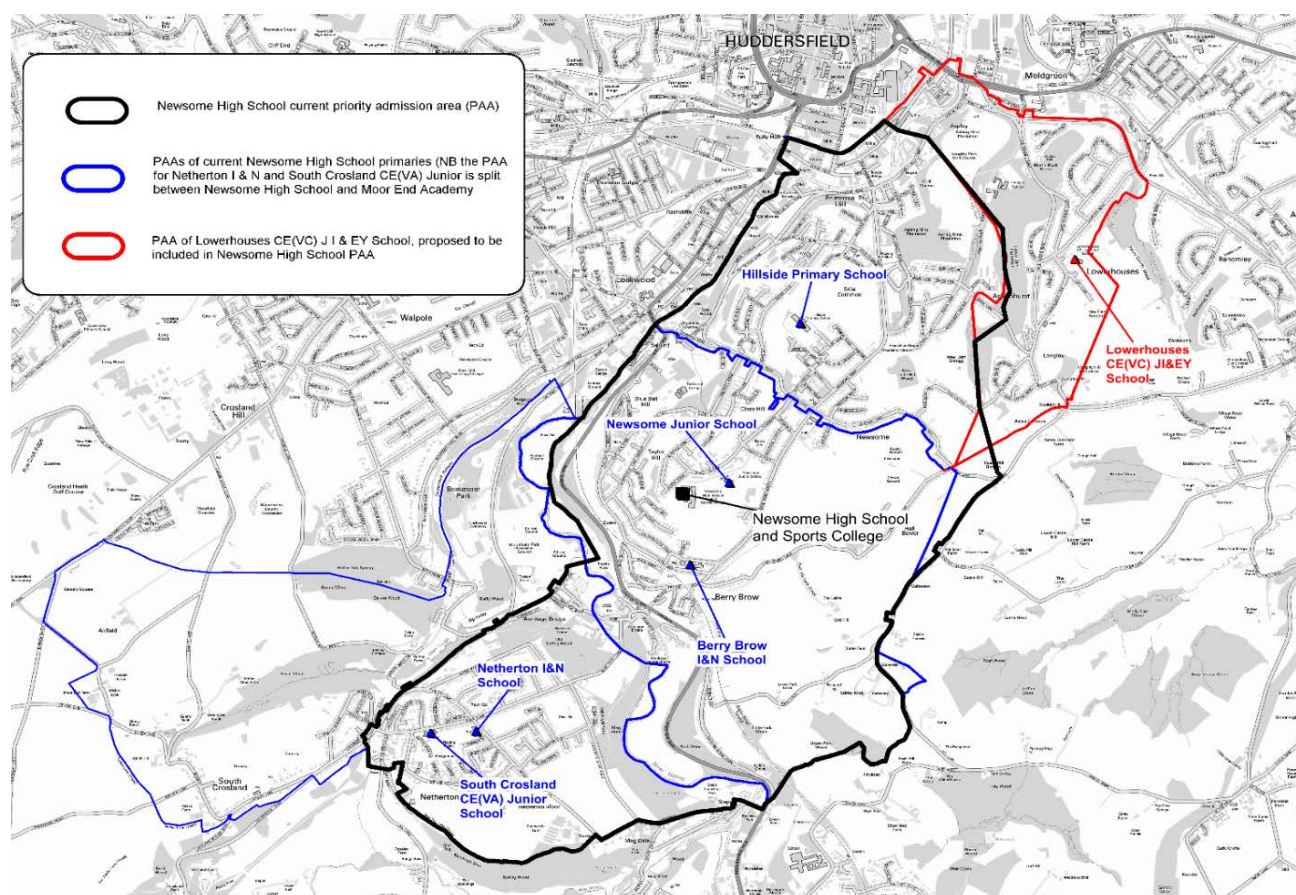
Requests for variations to the admission arrangements for academies are made by the academy trust to the Education and Skills Funding Agency (ESFA). The academy trust for King James's School has made a request for a variation to the ESFA simultaneously with the local authority's requests in respect of the two community secondary schools. The ESFA has informed me that the final decision to approve a variation rests with the Regional Schools Commissioner for the region in which the academy is located.

10. The local authority summarises the reason for its proposal as follows:

"The variation will ensure that every child has a priority admission area when an application is made for a secondary school place. Every child living in Kirklees Council is included in at least one catchment area. Without the change, families resident in the current ACS catchment area would not be included in a catchment area for 2020-2021 admissions."

11. The proposed variation for Newsome High School is to add to its priority admission area the catchment area of Lowerhouses Church of England School, a primary school whose catchment area is currently part of the priority admission area of ACS. Map One shows what is proposed.

Map One: Proposed priority admission area of Newsome High School



12. 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.

13. 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 on the proposed variation and the list of schools to which it was sent. I am satisfied that all relevant bodies have been notified. The governing board of the school, through the chair, has expressed its support for the proposed change. I find that the appropriate procedures were followed.

Consideration of proposed variation

14. The decision that ACS will provide only primary education from September 2020 is a change that has significant consequences for the provision of secondary education in the area. The local authority is seeking to ensure that all children continue to benefit from living in the catchment area of a secondary school. Its proposal to add parts of the catchment area of ACS to the catchment areas of neighbouring schools is, I consider, an appropriate way, in principle, of mitigating any disadvantage that may be caused to families by this re-organisation.

15. Newsome High School has a Published Admission Number (PAN) of 183. Table One shows the numbers of children in each of the year groups at the school in September 2019 and the numbers of pupils resident in the school's existing catchment area, some of whom do not attend the school.

Table One: Pupils on roll at Newsome High School and resident in catchment area

Year group (September 2019)	Number on roll	Pupils resident in catchment area
Year 7	153	153
Year 8	93	110
Year 9	107	140
Year 10	97	113
Year 11	111	129

These figures show that the number of pupils on roll in each year group is lower than the school's PAN and, in four of the past five years, the numbers admitted have been lower than the number living in the catchment area. In September 2019, the number admitted to Year 7 (Y7) was equal to the number living in the catchment area.

16. According to the local authority's figures, the number of children living in the school's existing catchment area who will be transferring to Y7 in September 2020 is 135. The proposed variation would, of course, increase the size of the catchment area by adding to it the catchment area of Lowerhouses Church of England School. Figures in the local authority's school place planning document indicate that an average of 40 children in each year group live in the catchment area of Lowerhouses School and that there is an average of 10 children from Lowerhouses in each year group currently on the roll of Newsome High School.

17. Taken together, the figures in the previous paragraph suggest very strongly that all children living in the proposed extended catchment of the school could be accommodated in Y7 in September 2020, within the PAN of 183. In fact, it is likely, as in previous years, that parents of some children living in the catchment area will successfully obtain places at other secondary schools. The local authority has informed me that the greatest distance from an address in the extended catchment area to the school is 1.72 miles, which is considerably less than the distance above which transport to school must be provided.

18. As previously explained, this proposed variation is one of three that seeks to re-distribute the secondary catchment area of ACS. In reaching my decisions in respect of this variation and the proposed variation to the catchment area of Netherhall Learning Campus High School, I have liaised with the ESFA in order to ensure that the three decisions are consistent with each other.

19. I consider that the extent of the proposed enlargement of the school's catchment area is appropriate and is justified by the change in the provision of secondary education locally. I approve the variation.

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 Newsome High School for September 2020.

21. I determine that for admissions in September 2020 the school's catchment area shall be expanded to the extent proposed by the council.

Dated: 3 October 2019

Signed:

Schools Adjudicator: Peter Goringe