



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2109

Admission authority: Wakefield Metropolitan District Council for Moorthorpe Primary School, Pontefract, West Yorkshire

Date of decision: 31 March 2021

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 Wakefield Metropolitan District Council for Moorthorpe Primary School, Pontefract for September 2021.

I determine that for September 2021 the Published Admission Number shall be reduced from 45 to 30.

The referral

1. Wakefield Metropolitan District Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 for Moorthorpe Primary School, Pontefract (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged three to eleven in Pontefract.
2. The proposed variation is that the published admission number (PAN) for the school be reduced from 45 to 30 for September 2021.

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 8 March 2021 and supporting documents;
- b. the determined arrangements for 2021 and the proposed variation to those arrangements;
- c. a copy of the local authority’s booklet for parents seeking admission to schools in the area in September 2021;
- d. evidence that the governing board for the school has been consulted;
- e. a map showing the location of the school and other relevant schools; and
- f. a copy of the letter notifying the appropriate bodies about the proposed variation.

The proposed variation

7. The proposal is to reduce the school’s PAN for September 2021 from 45 to 30.

8. 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.

9. Paragraph 3.6 of the Code also requires that relevant parties be notified of a proposed variation. The local authority has provided me with a copy of its notification on the proposed variation and the list of schools and other bodies to which it was sent. I have seen confirmation from the school’s governing board that it supports the request for the variation. I am satisfied that all relevant bodies have been notified and that views expressed have been taken into consideration. I find that the appropriate procedures were followed.

Consideration of proposed variation

10. The local authority has, having consulted as required by the Code and with the agreement of the school’s governing board, already determined a PAN of 30 for the

2022/23 academic year. The school is planning to reduce its current complement of teaching staff from 10 teachers to 7 teachers as the reduction in PAN is phased in over the coming years.

11. With a PAN of 45 the school has operated with 11 teachers. In previous years it deployed two teachers in mixed Reception and Nursery classes, three teachers in Year 1 and two teachers in Year 2. Six teachers worked across Years 3 to Year 6. Pupil numbers have been falling in the school recently and this has impacted faster than expected.

12. In the 2020/2021 school year numbers reduced more than had been expected and the number of teachers has been reduced by one to a total of ten. There were 32 children admitted into Reception (Year R) and the school has organised with two classes of 16 children in Year R and the school and the local authority agree that this is financially unsustainable. For September 2021, 28 applications for places have been received and the school governing board has asked the local authority to request a variation to bring forward the PAN reduction from September 2022 to September 2021 in order to avoid a situation where the numbers in Reception might increase above 30 children and require the school to take measures to maintain the class size below 30 and either employ an additional teacher (as they have had to do this year) or re-organise the classes at the time if numbers rose above 30.

13. Paragraph 3.6 of the Code requires me to consider whether the variation requested is justified by the change in circumstances described. I am satisfied that the change will contribute to the financial and school organisational issues described. I also note that the local authority and the governing board have used the consultation period before the determination of the 2022 admission arrangements to consult on reducing the PAN for 2022 from 45 to 30. A reduction of the PAN by means of a variation request removes the need for consultation and the fact that the local authority has conducted a consultation on this matter for 2022 is helpful.

14. In addition to considering whether the change requested is justified I also have to consider the impact on the families applying for places at the school for September 2021 to ensure that there is no unfairness and that parents who have expressed a preference for their child to attend the school are likely to receive a place. The local authority has provided a summary of the number of children who have joined the school in the last three years as follows:

	2018/2019	2019/2020	2020/2021
Moorthorpe Primary School	43	36	32

15. The local authority has confirmed the following preferences that it had received by the closing date for admissions for September 2021:

School	PAN	1 st Preference	2 nd Preference	3 rd Preference	4 th Preference	5 th Preference
Ash Grove Junior and Infant School	45	37	8	6	2	0
South Elmsall Carlton Junior and Infant School	60	64	7	8	1	1
South Kirkby Common Road Infant & Nursery School	60	38	6	0	0	0
Moorthorpe Primary School	30	28	21	5	1	0
Northfield Primary and Nursery	45	41	11	5	1	0

16. The local authority also provided the following data that shows the forecasts for pupil numbers in the area that it produced in 2020. The figures in this table show that the forecast numbers for Moorthorpe Primary School will exceed the proposed PAN for the school. I raised this matter with the local authority who responded by saying the current forecasts were produced in 2020 and that the revised 2021 forecasts will address this matter and take account of the actual numbers of admissions. It can also be seen that the number of applications for a place at the school are significantly fewer than the number that had been forecast for September 2021 which is the matter that I am being asked to consider.

	PAN	Historic Census	Historic Census	Current Headcount	Forecast (2020)	Forecast (2020)	Forecast (2020)
		2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Ash Grove Primary Academy	45	44	31	27	42	24	24
Carlton JI School	60	59	48	49	60	60	60
Common Road Infant School	60	54	36	55	43	41	44
Moorthorpe Primary School	30	43	36	32	42	41	40
Northfield Primary School	45	45	45	44	45	45	42
Total	240	245	196	207	232	211	210

17. Taking these tables into account I am satisfied that there are sufficient places for the first preferences for places to be met for September 2021 and given the number of additional places in the area it is clear that parents will be able to achieve their first preferences for places and there will still be places available for second preferences. In addition, the forecast numbers tables confirm that there will be sufficient places for the school to meet demand in September 2021 if the PAN is reduced as proposed. I am satisfied that the proposed reduction in PAN will not have a detrimental effect on the ability for parents to obtain a place for their child at this school in September 2021 through the current admission process.

Summary

18. I have considered whether or not the proposed variation is justified by the change in circumstance described and am satisfied that the reduction in PAN will contribute to the need for the school to manage its budget deficit and its class organisation.

19. I have also considered the impact of the proposed PAN reduction from 45 to 30 on admissions and whether or not there will be families who are unable to attend the school as a result of the PAN reduction. I am satisfied that the information provided by the local authority shows that there will be sufficient places at the school to meet the demand for places for September 2021. In consequence I approve the proposed variation and determine that from September 2021 the PAN at the school should be reduced from 45 to 30.

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 Wakefield Metropolitan District Council for Moorthorpe Primary School, Pontefract for September 2021.

21. I determine that for September 2021 the Published Admission Number shall be reduced from 45 to 30.

Dated: 31 March 2021

Signed:

Schools Adjudicator: David Lennard Jones