



Office of
the Schools
Adjudicator

Determination

Case reference: STP651

Proposer: The Governing Board of St John's Church of England Voluntary Controlled Infant School, Kirklees

Referred by: The Governing Board of St John's Church of England Voluntary Controlled Infant School, Kirklees

Date of decision: 02 December 2021

Determination

1. Under the powers conferred on me by the section 21 of the Education and Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 I have considered the proposal to extend the age range of pupils from 4 – 7 years to 4 – 11 years. I hereby approve the proposal subject to the following conditions:

- Formal permission must be obtained for change of use of the former caretaker's house in the form of a letter from the diocese, as the land owner, before carrying out any necessary works.
- Planning permission must be obtained for the development of additional toilet facilities before carrying out any necessary works.

The proposal

2. On 29 April 2021, the governing board of St John's Church of England Voluntary Controlled Infant School (the school, St John's) published a statutory notice to increase the age range of pupils at the school from 4 – 7 years to 4 – 11 years with effect from September 2022.

Jurisdiction

3. The proposal was published under Schedule 3 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations (the Regulations) and was referred to the adjudicator by the governing board of St John's Church of England Voluntary Controlled Infant School (the school) under paragraph 7 of Schedule 3 to the Regulations. It was referred to me on [date].

4. I am satisfied that I have jurisdiction to determine this proposal.

Procedure

5. In considering this matter I have had regard to all relevant legislation.

6. The documents I have considered in reaching my decision include:

- a) the referral of the proposal from the school, including the public notice as it appeared in the local press and details of the consultation undertaken by the proposers;
- b) the report presented to the local authority's Cabinet which underpins the local authority's decision to reject the proposal together with all of the background papers and responses to the consultation;
- c) the local authority's determined admission arrangements for admission to community and voluntary controlled schools in September 2022;
- d) the two alternative models of budget plans for the school;
- e) the most recent Ofsted and SIAMs inspection reports for the school;
- f) responses to my enquiries from the local authority, the school and the diocese; and
- g) evidence given by the head teacher of Westmoor Primary School.

7. I have also taken into account information received at two meetings, the first of which was held at the school on 16 November 2021 and was attended by representatives of the school and the local authority (in person) and the head teacher of Westmoor and the diocese (by phone) (the first meeting). I am grateful to the school for hosting the meeting and to the parties for their attendance (in person or otherwise) at a very difficult and challenging time. I took the opportunity to view the school site, and it was explained to me how the proposal could be taken forward and which measures the school would need to take in order to make the school land and premises suitable to accommodate Key Stage 2 pupils. The second meeting was a virtual one attended by representatives of the school and the local authority.

Background

8. The school is a voluntary controlled infant school for children aged 4 to 7 years in Dewsbury situated within the local authority area of the Metropolitan Borough of Kirklees (the local authority) and in the Dewsbury West Planning Area. The school has a Church of England religious character, and has been rated as a Good school by Ofsted. The school asserts that the proposal is a response to the actions and strategies of the local authority since 2013, and that it is necessary that the proposal be implemented in order to secure the future financial sustainability of the school. Prior to 2013, the school along with Knowles Hill Infant and Nursery School (Knowles Hill) shared the same priority admission area as Westmoor Junior School (Westmoor), and both comprised the feeder schools for Westmoor. Following concerns about the outcomes for pupils on roll at Knowles Hill as a result of it being rated as “Requires Improvement” by Ofsted, the local authority decided to close Knowles Hill and extend the age range of Westmoor from 4 – 11 years. Westmoor has a Published Admission Number (PAN) of 45 for Key Stage 1 entry. The local authority’s website states that the PAN for Key Stage 2 entry is 90. However, I now understand this to be incorrect. (I was surprised to learn that the local authority does not understand that the PAN for a school for any relevant age group (Year 3 in this case) is the minimum number of pupils who must be admitted to that age group from outside the school if enough apply. It is not the capacity of the year group). The local authority has told me that the capacity at Year 3 is 90 and that if fewer than 45 transfer from Year 2 then more than 45 can be admitted from outside the school to Year 3 up to the point where there are no more than 90 Year 3 children in the school. This lack of understanding of the legal position is of concern. As things stand, if the local authority publishes a PAN of 90 for entry at Year 3 and 90 children apply, the law would require them all to be admitted. Westmoor has a total capacity of 530 according to the Department for Education’s website Get Information about Schools which would support a PAN of 45 at Reception and a similar PAN at Year 3. Westmoor was originally located across two sites half a mile apart, one of which was the former Knowles Hill site. Westmoor is now located on a single site. Westmoor is oversubscribed at Key Stage 1. The majority of pupils at St John’s transfer to Westmoor at the beginning of year 3 for their Key Stage 2 education.

9. The school’s letter of appeal states that the local authority led a non-statutory consultation in January 2020 (‘the informal consultation’) based upon a school-led proposal for St John’s to reduce its PAN from 60 to 30 and to increase its age range from 4-7 to 4-11 years and for Westmoor to increase its key stage 1 PAN from 45 to 60. Westmoor was initially in support of this proposal but, although the consultation indicated positive local support, Westmoor’s governing board decided unanimously that they were strongly opposed to it being taken forward. Governors expressed serious concerns that simply increasing the PAN at Key Stage 1 for Westmoor would not create additional children to fill places. The possible financial implications had been outlined to the governors by Westmoor’s business manager in a detailed analysis highlighting the financial losses which could be incurred by the school, should the places not be filled. These losses (said to be in excess of approx. £600,000 over 3 years) were felt to be too great a risk to the financial stability of Westmoor. A decision was subsequently made by the local authority not to

proceed with the proposal. The reasons were the local authority's view that the proposal was not a whole system solution with a long-term sustainable model for each school; and there was a risk of reducing parental preference in the future. However, it was recommended that engagement should be facilitated with all parties to discuss the outcome of the consultation and explore opportunities for other options/proposals either then or in the future.

10. The school says that it has generally sustained a decline in applications since Westmoor became an all-through primary school located on one site, and attributes this decline to the fact that local parents prefer to send their children to an all-through primary school as opposed to having to change schools at Key Stage 2. St John's does not have a nursery class, therefore some children have to attend three different settings during the early years and primary stages of their education. The proposal which is the subject of the appeal before me was instigated by the school. As will be seen below, the responses to the formal consultation on the proposal from parents whose children attend St John's were overwhelmingly in favour.

11. It is proposed that the school will become an all-through primary school with effect from September 2022. It will remain located on the existing site. The school will fund the total costs of implementation of the proposal, and the PAN for the school will be reduced from 60 to 30. It is not part of the proposal that the Key Stage 1 PAN for Westmoor be increased; indeed, the proposal was published by the school's governing board and the governing board of one school cannot publish proposals relating to another school. The local authority rejected the proposal at a Cabinet meeting on 27 July 2021. The concerns of the local authority are focussed upon the funding and practicalities of implementing the proposal; however, one of the main reasons for rejecting the proposal is due to its potential adverse effect upon Westmoor. Pupil numbers in the area are declining; the majority of pupils at St John's transfer to Westmoor; if this ceases to be the case it will cause financial difficulties for Westmoor. The local authority's view is that the implementation of the proposal would introduce additional school places at Key Stage 2 which there is no need for, and at a time when pupil numbers are declining.

12. The school says it has worked with Westmoor to develop strategies which would reduce the detrimental impact of pupils from St John's no longer transferring to Westmoor, and came up with suggestions which would have reduced the adverse financial impact upon Westmoor of pupils from St John's not transferring at Key Stage 2. However, the schools were unable to reach agreement on a way forward.

13. The school claims that, in rejecting the proposal, the local authority is acting contrary to its own policies of reducing transition points for primary aged pupils and enhancing parental choice. Although fewer children would be able to be admitted to St John's at Key Stage 1 if the proposal were implemented, parents would have the choice of two local all-through primary schools, each distinctive in character. The school emphasises the practical benefits for families of Key Stage 2 children and younger siblings being at the same school; the benefits of continuity in primary education; and the benefits of continuity of a faith-based

provision with the associated values and ethos which parents, carers and children are said to value highly.

14. The school recognises that, on paper, there is no basic need for additional Key Stage 2 provision; however, it fully supports and values parental preference. The Cabinet report states that Westmoor is oversubscribed therefore any increase in the number of applicants at Key Stage 1 caused by St John's having only 30 places available will not benefit Westmoor. That is, unless the Key Stage 1 PAN for Westmoor were to be increased. The school says that both schools had worked together to develop a model that was based upon Westmoor increasing its Key Stage 1 PAN by 30 and decreasing its Key Stage 2 PAN by 15. This would create two all-through primary schools both admitting to Reception only. Despite this being a workable model for both schools the local authority is said not to be in favour of it because it would it considers result in mixed-class teaching at Westmoor; however, St John's has been left with no alternative but to provide mixed-class teaching due to the falling number of pupils on roll and staff redundancies. The Cabinet report states that St John's finances are not too dissimilar to other schools facing falling rolls. Whilst the school recognises this to be true, it says that it is being proactive in finding a long-term solution to stabilise all schools within the local area.

15. In terms of pupil numbers, a slight decline is predicted in terms of applications for places in Reception in the Dewsbury West Planning Area (459 – 431) in 2022 and the same number for 2023. There is a large strategic development site in a neighbouring planning area (Dewsbury Riverside), the potential impact of which is under constant review. The intention is to build 2310 new houses (100 new homes per year); however, no new houses have yet been built. The local authority considers that the impact of this development is five years away. There is a significant surplus of Key Stage 1 places in the neighbouring Saville Town area, and the local authority is said to be beginning to have conversations with schools about managing falling rolls.

The statutory process

16. The statutory guidance sets out the steps that must be taken for a proposal to increase the age range of a school. In the case of St John's, as the change in its age range is by three year groups or more, a statutory process must be followed. The process has four stages: publication of the proposals, representation, decision and implementation. The statutory guidance makes clear that there is also a strong expectation that schools and local authorities will consult interested parties in developing proposals prior to publication.

17. On 29 April 2021 the governing board of St John's published a statutory notice in the Dewsbury Reporter newspaper. Copies of the notice were posted at the entrances to the school. The complete statutory proposal was published by the proposer as part of a consultation document, which was distributed to interested parties. The statutory four-week period of representation began on the day of publication 29 April 2021 and ran until 27 May 2021. During this period, written comments were to be sent to FREEPOST, Kirklees Council, St John's CE School Proposal or via email to school.organisation@kirklees.gov.uk.

The consultation document included a paper form that people could complete to support them in responding. In addition, the school held five consultation meetings.

Consultation meetings were held in the playground at St John's on:

- Tuesday 18 May 2021 8am-9.30am (Parents/Carers);
- Tuesday 18 May 2021 2.45pm-3.45pm (Parents/Carers);
- Wednesday 19 May 2021 3.30pm-4.30pm (Staff).
- Consultation meetings were also held remotely via Zoom by following a link on:
- Tuesday 18 May 2021 6pm-7pm (All members of the public including parents/carers);
- Wednesday 19 May 2021 1pm-2pm (All member of the public including parents/carers).

18. The Cabinet of Kirklees Council is the decision-making body of first instance for such proposals. It was concluded by the local authority that the statutory notice, statutory proposal, and statutory process each complied with the legal requirements. At the end of the consultation period, local authority officers prepared a report which was considered by the Kirklees Council Cabinet on 27 July 2021. This is a clear, comprehensive and well-reasoned report. I am satisfied that the legal requirements in relation to the process were complied with. A total of 193 responses to the consultation were received of which:

96% (185 responses) strongly support.

1.6% (3 responses) support.

0.5% (1 response) did not state their preference so neither support nor oppose but the written comments in the response were very favourable towards the proposal.

0.5% (1 response) oppose.

1.6% (3 responses) strongly oppose.

19. Over 130 people attended the consultation meetings in the school playground. Nobody attended the Zoom sessions (despite their being well-publicised within the local community) and 13 staff attended the staff consultation meeting. The majority of responses were from parents/carers. Of these 69 have children at St John's Westmoor or other local schools. Of the parents, 38 did not indicate which school their children attend but from comments, it would appear that 20 of these currently have children at St John's. Other respondents included: 10 School Governors, 19 members of St John's staff, plus 7 from other settings, 2 past pupils, 20 current pupils, 33 local residents, 5 representatives from other local education or Early Years Providers.

20. I have been provided with an analysis of responses, which I have copied below:
There is a discrepancy between the table and the figures as some respondents selected more than one category e.g., Local resident and governor.

	Parent/carer	Pupil	Governor	Staff	Local resident	Other	Total	Percentage	
Strongly support	105	20	9	24	31	18	207	96%	97% strongly support/support
Support	2						2	1%	
Neither support nor oppose				1	1		2	1%	Neither support/oppose 1%
Oppose						1	1		0.5% oppose
Strongly oppose			1 (Westmoor)	1 (Boothroyd)			2	1%	1% strongly oppose
	107	20	10	26	32	18	215	100%	

21. Those who supported the proposal mainly cited the following positives:

- Positive impact on the emotional well-being and academic progress of children and also the well-being of parents.
- Increased convenience for parents.
- Importance of parental choice of having a small, all through primary that is faith based in the area.
- Making St John's become sustainable and viable in the future.
- Contributing to Kirklees Council's initiative of increasing the amount of all through primary education in the authority.

Those who opposed the proposal (essentially two other local primary schools, namely Westmoor and Boothroyd) referred to:

- Potential issues around the finance of other local schools.
- Possible traffic problems in the area.

22. I am satisfied that the governing board has taken into account the responses to the consultation, and has worked hard to provide sufficient detailed information to enable a reasoned decision to be made in response to the proposal. The local authority has dealt with the proposal thoroughly and sympathetically. Indeed, local authority officers have provided support to the school to ensure that the detailed aspects of the proposal meet the relevant statutory requirements. The Cabinet decision to reject the proposal was based upon following officers' recommendations. The report to Cabinet sets out the reasons for the recommendations in relation to each of the factors listed in the Statutory Guidance. I now set out the reasons for rejecting the proposal which formed the basis of the officers' recommendations and the local authority's decision.

“Consideration of consultation and representation

The very strong support and enthusiasm for the proposals from existing parents of St John's CE(VC) Infant school has been clear in both the non-statutory consultation held in 2020 and during the representation period held in 2021. A similar view has been expressed by existing staff, and children have demonstrated how highly they regard their school and that they would prefer to stay there longer.

Education Standards and Diversity of Provision

The positive opportunities of reducing transition points are supported by the available evidence and the creation of all-through primary schools is one way of accomplishing this. Previous LA-led proposals in other areas have attempted to enable a system-wide solution towards achieving this, usually bringing an infant and a junior school with existing pupils and staff together for this purpose. In these examples, there is already key stage 1 and key stage 2 experience within the schools and, while the challenges should not be underestimated, there is a solid basis upon which to create an all-through primary school. The creation of all-through primary schools is not the only way to support improved educational outcomes. Strong transition arrangements which support children and their families also have the opportunity to improve educational outcomes and support wellbeing. Separate infant and junior schools exist elsewhere in Kirklees and across the country, many with strong transitional arrangements. It is within the gift of local schools to support the educational outcomes of children in this way. While there are positive opportunities for all-through primary schools, it is not the institution itself that improves outcomes. Rather it is the arrangements within it that make the difference and similar arrangements could be achieved by schools working together in strong partnership

While the view of existing parents is indisputable, should the proposal be approved there is a risk that the opportunity for parents to realise their preferences would become more limited in the future. This is because in the future there would be 30 places available in each key stage 1 year group and currently more than 30 families secure a place at St John's CE(VC) Infant School

each year. If the proposal resulted in the school becoming more popular, fewer parents would be able to secure places at the school for their children. There would remain, however, sufficient places in other local schools.

Community Cohesion

In this situation, there is clear evidence of a negative impact on at least one other school if the proposal were to be agreed and this should be seen in the context of the relevant government guidance which states '...local authorities and governing bodies do not take decisions that will have a negative impact on other schools in the area.' The competing opportunity of reducing a transition point which at the same time has a significant impact on the financial position of another school, makes this proposal finely balanced and therefore a difficult decision to make. There is no basic need for any additional primary school places across Kirklees at this time. The proposals would result in a reduction of key stage 1 places but, critically, create 30 additional places per year group in key stage 2. There is clear impact on the financial position of at least one other school if the proposal were to be approved because of this increase in places. The follow-on impact this presents on the outcomes of children other schools challenging to quantify but there is a clear risk. Cabinet considered the outcome of a non-statutory consultation in September 2020 and decided not to progress with similar proposals. Very little has changed since last September, other than the development of the statutory process has led to further scrutiny of financial impact on other schools, the Proposers rationale and implementation planning.

Implementation

The challenges of creating a new key stage 2 have been highlighted in this report: changing expectations for curriculum planning including Ofsted key stage 2 expectations; a current staff team with limited recent key stage 2 experience, apart from the Headteacher; and limited evidence about detailed implementation planning beyond the provision of classroom spaces and some basic information about the recruitment of additional teaching staff.

School Premises and Playing Fields

The Proposer's plans regarding the requirements for physical space, including classrooms, have been reviewed. They are considered to be well-developed. However, some risks relating to implementation of the proposals remain including permission from the Diocese and the likely requirement of planning permission for the new toilet block. Some of the funding will need to be provided by future revenue funding and forecasting suggest this will take the school budget into deficit for one financial year.

Funding

The risk of closure of St John's CE(VC) Infant School due to financial pressures is considered to be overstated. There are some clear financial pressures, but these are no different from many other schools who have to look at creative solutions to manage their budget within their means in the context of a national funding formula and falling pupil numbers. For example, some smaller schools have looked towards closer partnerships, such as federations, as part of a solution. In conclusion, while this is finely balanced, the risks associated with approving the proposal continue to outweigh the potential gains.

The Officer recommendation to Kirklees Council Cabinet is, therefore, not to approve the proposals at this time. Listening to the voices of children, which came through strongly in the representations they made, is powerful. If members do not approve the proposal, local schools should be encouraged to renew their efforts to work together, focusing their combined energies on ensuring outstanding transitions for children and their families to support their wellbeing and ambitious educational outcomes. Under The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, decision makers are permitted make approval of proposals conditional on certain prescribed kinds of events.

If members were to take the decision to approve the proposal, it is recommended that they make a conditional approval subject to:

- Planning permission being approved, where required, for all work which is needed to ensure that sufficient classrooms are available to implement the proposals.
- Approved variation of admission arrangements for 2022/23 by the Schools Adjudicator for a reduction in the PAN of St John's CE(VC) Infant school from 60 to 30.

Both conditions should be met by 1 December 2021. This is because implementation for the proposed date of September 2022 must be assured in sufficient time for parents to make an informed admission decision for September 2022 before the primary school admission application window closes on 15 January 2022...

It is important that outcomes for children are at the heart of any decision-making. This needs to be in the broadest sense of the meaning including, but not limited to, educational outcomes and the part family and the whole community play in this. A sense of place where children are at the heart of the community is really important and a strong local school system which underpins this is essential. The proposal made by the governing body of St John's CE(VC) Infant School presents a finely balanced choice between the opportunity to reduce a transition

point, which evidence suggests can improve outcomes for children, and the risk of destabilising a local school system with the impact this could have on the outcomes for other children. Another consideration is the fine balance between improving choice for some parents by enabling their children to stay on longer at St John's CE(VC) Infant School, while reducing opportunities for other parents to secure a place at the school in the future.

While there are risks highlighted with developing key stage 2 provision at St John's CE(VC) Infant School, with more planning and additional support, this alone would not be a reason to reject the proposal. Having carefully considered all the information contained in this report alongside my own recent experience of visiting all three local schools and speaking to the leadership teams, I believe there are other ways to maximise the outcomes for children in this area outside this proposal. As difficult as it is, my recommendation is that Cabinet does not approve the statutory proposals put forward by the governing body of St John's CE(VC) Infant School. Although I recognise the right of appeal available to the Schools Adjudicator, I would also like to offer the support of officers to work with St John's CE(VC) Infant School and other schools in this area to explore how they can work together to ensure the best possible outcomes for children and their families."

23. In rejecting the proposal, the Cabinet followed the officer recommendations set out in the report, which said: "The proposal made by the governing body of St John's CE(VC) Infant School presents a finely balanced choice between the opportunity to reduce a transition point, which evidence suggests can improve outcomes for children, and the risk of destabilising a local school system with the impact this could have on the outcomes for other children. Another consideration is the fine balance between improving choice for some parents by enabling their children to stay on longer at St John's CE(VC) Infant School, while reducing opportunities for other parents to secure a place at the school in the future... While there are risks highlighted with developing key stage 2 provision at St John's CE(VC) Infant School, with more planning and additional support, this alone would not be a reason to reject the proposal. Having carefully considered all the information contained in this report alongside my own recent experience of visiting all three local schools and speaking to the leadership teams, I believe there are other ways to maximise the outcomes for children in this area outside this proposal. As difficult as it is, my recommendation is that Cabinet does not approve the statutory proposals put forward by the governing body of St John's CE(VC) Infant School. Although I recognise the right of appeal available to the Schools Adjudicator, I would also like to offer the support of officers to work with St John's CE(VC) Infant School and other schools in this area to explore how they can work together to ensure the best possible outcomes for children and their families".

The proposal

24. Before addressing the factors set out in the statutory guidance for decision-makers to consider, I must explain in more detail how it is intended that the proposal would be

implemented if I uphold the school's appeal. The intention is that St John's will start to provide for Key Stage 2 pupils in September 2022. This will be done gradually by allowing the current intake to progress from Year 2 to Year 3. The PAN for Reception will be reduced to 30 for September 2022, which will necessitate an application to the adjudicator for an in-year variation. The school says that it is intended to reach its full capacity offering 210 places – 30 in each of seven year groups - in total by 2028/2029. The proposal is supported by the Diocese of Leeds (the diocese) which is the religious authority for the school. Short-term modifications to the school buildings are necessary. The toilet facilities will need to be upgraded to ensure they are suitable for Key Stage 2 children; additional classroom space will be required by September 2023, which will be achieved by partitioning the Early Years foundation unit into two separate classrooms for Reception and Year 1. Further investment will be required at a later stage to adapt what was formerly the caretaker's house into a suitable educational environment; the school has sufficient outdoor space to provide a playground and sports facilities to meet the relevant curriculum requirements. Additional curriculum resources for children (expected to be minimal) will be funded through the school's budget and the capital costs can also be met from within the school's resources. Additional staff will be required from 2028/2029, the costs of which will be provided for from within the school's budget as the number of pupils on roll will have increased. The school will continue to offer wrap around care facilities and staggered start and finish times in order to minimise traffic at busy times of the day.

25. The tables below were produced by the school to illustrate the year-on-year effect of implementation.

Table One: Proposed numbers of pupils on roll at St John's

	R	1	2	3	4	5	6	Total
2022	30	60	60	60				210
2023	30	30	60	60	60			240
2024	30	30	30	60	60	60		270
2025	30	30	30	30	60	60	60	300
2026	30	30	30	30	30	60	60	270
2027	30	30	30	30	30	30	60	240
2028	30	30	30	30	30	30	30	210
2029	30	30	30	30	30	30	30	210

Table Two: Figures based upon pupil numbers

	R	1	2	3	4	5	6	Total
2022	30	39	56	35	0	0	0	160
2023	30	30	39	56	35	0	0	190
2024	30	30	30	39	56	35	0	220
2025	30	30	30	30	39	56	35	250
2026	30	30	30	30	30	39	56	275
2027	30	30	30	30	30	30	39	219
2028	30	30	30	30	30	30	30	210
2029	30	30	30	30	30	30	30	210

26. The local authority has also provided me with a table of predicted pupil numbers (NOR) for St John’s based upon available data. This indicates that the number of allocations would exceed the proposed PAN of 30 but will continue to fall short of the existing PAN of 60. On this basis, I can understand why the school considers that it will continue to struggle financially if the proposal is not approved. It also indicates – because the school is regularly admitting more than 30 pupils each year - that if the PAN were to be reduced, there would need to be availability at other local schools.

Year Group	2021/22	2022/23	2023/24	2024/25	2025/26
Reception	49	44	44	43	42
Year 1	54	49	44	44	43
Year 2	38	54	49	44	44
Total NOR	141	147	137	131	129

Consideration of factors

A. Factors required to be considered under the statutory guidance

Education standards and diversity of provision

27. The statutory guidance states that decision-makers should,

“consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents, raise local standards and narrow attainment gaps.”

28. The school’s governing board feels strongly that becoming an all-through primary school has many benefits for its pupils’ academic, social, emotional, moral, spiritual and physical development. It is claimed that this view is backed up by high quality research and pedagogy as evidenced in the Cabinet report. There are concerns that pupils transferring from a small infant school to begin Key Stage 2 in a larger primary school where as many as 45 of their fellow pupils in Year 3 joined the school much earlier in nursery or Reception experience challenges. The school argues that this situation might be less daunting if these children were transferring to a stand-alone junior school where all children would be in the same boat as it were. Despite the fact that there are strong transition arrangements in place, there are also comments by parents about their children feeling scared about having to join a new school with an existing established cohort. The school claims that this is the only transition point like this in the authority and very rare across the country. Although it is stated in the Cabinet Report that “lots of pupils transition from infant schools to all-through

primary schools”, the school says that St John’s is the only school with these arrangements in Kirklees, and that such an arrangement is a rarity across the country as a whole. In my experience, it is a relatively unusual arrangement though certainly not unique to this school.

29. The school has said that, when previously advocating the amalgamation of Knowles Hill and Westmoor infant and junior schools, the local authority extolled the benefits of all-through primary schools, but appears to have discounted its own arguments in considering the proposal for St John’s. In the information document which underpinned the informal consultation written by Kirklees Council in 2020, it was stated that “Single all-through institutions can establish longer-term relationships with pupils and families, provide more opportunities for staff development and better manage resources to support learning and smooth transition to each stage of learning”. Amongst the comments from respondents to the informal consultation, the most frequent reason given in support of the proposals was that they would “extend the school ethos” and provide for a “Church of England education” across the full primary age range. The proposals themselves state that they “will increase the balance of faith-based places as well as improving parental choice for those parents who want a full faith based primary education for their children.” Although St John’s and Westmoor schools have not been able to agree a proposed way forward which would result in no financial loss for either school, there is a consensus that the optimal outcome would be for each school to be an all-through primary school.

30. The local authority had concerns that staff at the school who have been in post at an infant school for many years do not have recent experience of teaching, planning and assessment against the Key Stage 2 curriculum. The local authority queried whether:

- teachers have the appropriate access to Continuous Professional Development (CPD) to ensure their own subject knowledge and skills enables the delivery of a high-quality Key Stage 2 curriculum;
- all leaders including subject leaders (and therefore teachers) have the correct level of expertise, knowledge and skills to create a subject curriculum that is appropriately sequenced and sufficiently challenging to meet age related expectations and that the pressure on staff workload is considered in this process;
- the curriculum offer for each subject can be planned in advance to ensure appropriate progression through the years and key stages for each subject area;
- the school will be able to accommodate the new measures due to be introduced to measure progress from Reception base line to the end of Key Stage 2 without historic Key Stage 2 data.

31. For the reasons I will explain in more detail below, I consider that the proposal has the potential to contribute to improved outcomes for children and to raise standards at both St John’s and Westmoor schools. It meets the aspirations of a significant number of local parents and, from the evidence I have heard, the school has undertaken the preparation necessary to ensure that it will be able to deliver the Key Stage 2 curriculum in September

2022. Any concerns by the local authority about the school's ability to do this now appear to have been alleviated.

Equal opportunities issues

32. The statutory guidance stipulates that,

“The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have ‘due regard’ to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.”

The local authority report indicates that an Integrated Impact Assessment had been carried out by the school which says that pupils are taught respect for each other's faith and beliefs; the school is fully inclusive and welcomes children from all faiths and none; and that the school's values reflect the ethnic and cultural diversity of the local community. The local authority accepts that the school is inclusive and supports a diverse range of families. Having visited the school, I am in agreement with the local authority's conclusion.

33. I asked the school to conduct an equalities impact assessment in order to determine whether the PAN reduction to 30 would have any adverse effect upon children sharing the protected characteristics. Although I am conscious that what might cause any such effect directly would be a PAN reduction made in response to the implementation of the Proposal which would change the composition of the school's intake, and that any such reduction would be the action of the local authority (as the admission authority) as opposed to an effect of the school becoming an all-through primary school, the proposed PAN reduction could be said to form an intrinsic part of the proposal. All of the school's plans have been made on the basis that the PAN will be reduced. The information provided shows no significant predicted effect upon children with the protected characteristics. The most significant change is a slight predicted increase in the number of girls admitted, but even this is only a 6 per cent increase.

Community cohesion

34. As decision-maker, I am also required to consider the proposal's expected impact on community cohesion. The school says that it values and respects the needs and wishes of the families in its community and believes they deserve the choice of a large all-through non-faith based primary (Westmoor) or a small, faith based primary (St John's). Community cohesion is about providing opportunities for young people from different backgrounds to learn with, from, and about each other; by encouraging through their teaching, an

understanding of, and respect for, other cultures, faiths and communities. The school has provided detailed evidence relating to its success in bringing together two cultures to form a successful learning environment and to ensure that pupils, regardless of disability ethnicity or religion, are treated equally and mutually respect each other. As a Church of England School, St John's says that it believes strongly in the importance of learning from and about religion, so that children from a young age develop a deeper understanding of faiths and their importance in shaping the community and the world in which they live. The school promotes children's spiritual development and their understanding of local, national and global cultures. The school is fully inclusive and is a place where different faiths and cultures are not only respected but celebrated. St John's is also active in its local community, taking part in local events and welcoming residents into school. From the data provided, it is apparent that pupils at the school are predominantly of Pakistani origin and of the Muslim faith. On the basis of the consultation responses, I do not doubt that the sense of community at the school will be enhanced by the extension of its age range.

35. However, the local authority's view is that "community cohesion" relates not only to schools as communities, but the effect that schools have on the wider communities they serve. The local authority is said to have been concerned to understand the effect upon local community cohesion and future working relationships between schools if the proposal is implemented, given the fact that other local schools have objected to it. The school says that this issue has been discussed at great length with the local authority, however these discussions are not referred to in the report which went to Cabinet and formed the basis for the decision not to approve the proposal. The school's head teacher is said to be very keen on playing an active part in many local groups for senior leaders, teaching staff, support staff and business administration staff. This includes The Dewsbury Learning Partnership of Headteachers, the Church School Partnership, the Local Diocese and networking groups across the authority.

36. The school's business administration team are said to have strong relationships with Boothroyd and Westmoor which the school "can guarantee would continue" regardless of the outcome of this appeal. At the first meeting I was pleased to see that both St John's and Westmoor appeared to have a good relationship, and I was assured that all parties would continue to work together whatever decision I make on the proposal. The diocese too confirmed its commitment to working with the school and local authority for the benefit of local children and their families. My view is that the school has a positive impact on community cohesion, as defined in the statutory guidance; that it becoming an all-through primary schools will enhance that impact; and that my approval (or not) of the proposal will not damage relations between Westmoor and St John's schools or between the local authority and the schools. I was assured of this at the first meeting.

Travel and accessibility

37. Decision-makers must be satisfied that proposals have properly taken into account accessibility planning. Proposals should also not unreasonably extend journey times to school or prevent too many children from travelling sustainably to school, by walking or cycling. A number of relevant factors have been referred to in the consultation responses:

- Parents remove children from St John's or do not send younger siblings because of what they describe as the 'logistics – they have older siblings and they simply cannot keep up with taking primary aged children to two different sites.'
- Some local residents of Church Lane, near Westmoor, state that the congestion around there at drop off and pick up times is 'terrible' and the proposal could ease this.
- Some parents think that having children at the same school, St John's, will help to 'avoid local traffic congestion' in the area.
- It is reported by a parent who strongly supports the proposal that parking needs taking into consideration.
- A local resident is concerned about the possible 'increased traffic and parking, which is bad already' around St John's.
- Families who live in extremely close proximity to St John's have chosen to send their children to a school further away for a wide range of benefits for the children. They report that this could have been avoided had St John's been a through school, which would have 'saved time travelling, money in petrol, stress of traffic jams and safety for the country (environmentally) as well as safety to the public i.e. less cars at other schools.'

38. The school has said that, despite its efforts in working together with local schools to stagger drop off and pick up times, as well as offering a breakfast club and after school club, families still struggle with two or more drop offs and pick-ups, especially parents who have younger siblings in prams or on days when the weather is bad. St John's becoming a primary school would make school days far easier for both working parents and non-working parents, according to the school. Some local residents have expressed their concerns about traffic and parking on both Church Lane (Westmoor) and Boothroyd Lane (St John's). However, the school's view is that in the long-term there will be less movement in the area by car and more people will travel by foot due to siblings only being at one school. This will improve traffic congestion in the roads around Westmoor, St John's and possibly other local Early Years and Primary School providers. The school says that it has already taken steps to reduce traffic in future years, which include the following:

- Using Dewsbury Park turning circle as a parking area, staggering start and finishing times (this has proved to work well during lockdown),
- Initiatives to encourage families to walk to school, using the recent purchase of 30 scooters to loan out to families on a weekly basis so children can 'scoot' to school,
- Reinstating the walking bus (funds would be available to do so),
- The school council thinking of ways of encouraging parents to park away from school,

- Working with other providers to improve management of traffic in the whole area as well as cutting emissions to provide environmental and health benefits.

39. The school says it feels “genuinely upset and concerned that families on our doorstep would love for their children to attend our school but they cannot justify sending them when they are aware of an unnecessary transition point at the end of Year 2. Again, this results in unnecessary car journeys in our local area”. Local authority officers indicated in the report to Cabinet that, in the longer term the proposal would introduce 30 additional places at St John’s. This is because the school would move from having three year groups of up to 60 each so a total of 180 to having seven year groups of up to 30 each so a total of 210. During the transition period to retaining children up to Year 6, it could mean a peak of an additional 70 pupils on site for one year. The school has said that it will look at how on-site parking can be increased, as well as the possibility of creating a drop off zone. Local authority officers are also working with the school to explore how best to encourage parents to walk/cycle their children to school and also to look at the possibility of opening a pedestrian access from the area of the school that fronts London Road. I note that London Road runs along the southern edge of the school site.

40. My view is that although there is the possibility of an increased build-up of traffic during the transitional phase of implementation due to the fact of there being more pupils on site than would normally be the case, the long term impact should be a reduction in traffic in the area as a whole as parents with more than one child would not be travelling to different schools or having to attend schools which are further from home in order to avoid a change of school at Key Stage 2.

Funding

41. As the decision-maker, I must be satisfied that the funding necessary to implement the proposal will be available. The statutory guidance makes clear that I cannot approve the proposal conditionally upon funding being made available. Financial income models were considered by the local authority together with projected staff costs. The school and the local authority agree that any re-organisation costs would be the responsibility of the school, the only cost to the local authority has been the resources provided to the school to assist in compliance with the statutory requirements involved in publishing the proposal and that point has now of course passed. The Dedicated Schools Grant funding formula will reflect the changing pattern of pupil numbers. There are some mechanisms within the local funding formula contingencies to provide temporary support to schools in certain circumstances; however, schools are expected to plan for realistic expenditure within their means. At the meeting, the school explained in detail how the implementation of the proposal has been costed fully, and talked me through the projected funding model it had prepared.

42. Although the local authority warned that construction costs are escalating currently, it did not dispute that the school would be able to fund the implementation of the proposal. Indeed, it was suggested that, from the perspective of construction costs, it would be preferable to commission the work sooner rather than later, particularly if the school has

quotes which are guaranteed for a fixed period. The funding model for the school becoming a one-form entry all-through primary schools shows a deficit budget for only one year, and a healthy escalating credit. I am satisfied that the school is able to secure the necessary funding for implementation of the proposal if approval is given for the change of age range to take effect in September 2022. If implementation is deferred, this is likely to lead to the school eating into its contingency funding to off-set the adverse financial effect of not admitting up to PAN in September 2022 and escalating construction costs.

Surplus places

43. The report presented to the local authority's Cabinet made clear that there is no basic need for any additional primary school places anywhere in Kirklees at this time. At National Offer Day 2021/22 there were 124 vacant Reception places out of 435 in the Dewsbury West planning area.

- The average St John's intake in the last 3 years has been around 49 (52 in 2018, 41 in 2019 and 55 in 2020). Based on this history, if the proposal is approved this would mean an average of 19 (11 to 25 based on the previous 3 years) pupils who have received a place in the past would not do so in the future.
- There is significant pupil movement between the Priority Admission Areas (PAAs) for St John's, Boothroyd and Westmoor.
- The impact of reducing the PAN at St John's would vary if patterns for the last 3 years were followed. It would have impacted mainly on children living outside the school's PAA, but in 2020 it would have also impacted on out of area children who had siblings attending the school.
- There are six Church of England junior schools which are less than three miles from St John's.

The table in paragraph 52 indicates that there are surplus places within the Dewsbury West Planning Area and that, if the PAN for St John's were to be reduced to 30, there would still be sufficient Key Stage 1 places. I am satisfied that the school has addressed the revenue implications of the proposals in an appropriate way, and has sufficient funds to implement the Proposal. There can be no doubt that, if the Proposal is implemented, there will be adverse consequences for Westmoor, although the effect of this could be ameliorated.

44. I am also mindful of the provision in the Statutory Guidance which says that, when proposing changes, local authorities and governing bodies should act reasonably, and in line with the principles of public law, to ensure that the changes do not have a negative impact on the education of pupils in the area, particularly where objections have been raised on the grounds that the proposed change could potentially undermine the quality of education in the local area by creating additional places where there is surplus capacity. Such proposals (Contentious Proposals) need to be referred to the Department for Education. The effect if the proposal, if implemented, is that it will reduce the number of Key Stage 1 places by 30 and will increase the number of Key Stage 2 places by 30, so there is

an argument that the Proposal is neutral in its effect in terms of the actual number of places. I will say here simply that my view is that the implementation of the proposal of itself does not appear likely to have a negative impact on the quality of education in the area. I will expand on this point later in this determination, as it is a key factor in the local authority's decision to reject the proposal.

Planning permission

45. At the first meeting, I was informed that planning permission had already been obtained for the change of use for the former caretaker's house. Further planning permission will be needed to make the adaptations necessary to install additional toilet facilities for Key Stage 2 pupils; however, it is not intended to undertake this work until Phase 4 of implementation (in another two years' time), so permission is not needed immediately. The Cabinet report states that "Fire Regulations" will need to be considered particularly if a 10th classroom is required on a first floor. I was told at the meeting that it is unlikely that a 10th classroom would be needed but that if it was, the need to comply with Fire Regulations would not be a stumbling block. There is also reference in the Cabinet report to the fact that permission of the diocese is needed to undertake the planned building work to the caretaker's house which is owned by the diocese. Although this has not been granted formally, the diocese confirmed at the first meeting that such permission will be granted.

Admission arrangements

46. The arrangements for admission to the school in September 2022 were updated by the local authority (which is the admission authority for the school) on 31 August 2021. The school's PAN appeared in a table alongside the PANs of the other community and voluntary controlled primary schools in the local authority area and was listed as 60. There was no indication that this might be subject to change. The reduction of the PAN would not occur automatically if the proposals were to be approved. It would be necessary for the local authority to seek a variation to its admission arrangements, to alter the current PAN of 60. The local authority acknowledges this. The report to Cabinet explains that the local authority would need to make a request to the Schools Adjudicator for the approval of a PAN reduction. It also says that, if the request for a variation was not approved by the Schools Adjudicator, the authority could consult on making the changes for 2023/24 in the annual admissions consultation, which normally begins at the end of November in any given year. Not reducing the PAN would present a significant risk to implementation because the opportunity to open Key Stage 2 provision is dependent on the school being able to limit both the number of new starters in Key Stage 1 along with further in-year admissions to the school and, therefore, the classroom space required.

47. In order for the implementation of the proposals to take place in the manner described by the school, the local authority will need to seek approval for a variation to the PAN as a matter of some urgency. The adjudicator would deal with this expeditiously.

School Premises and Playing Fields

48. Under the School Premises (England) Regulations 2012, all schools maintained by local authorities are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely. I have looked at annotated copies of the floorplan of the school which show how the physical space is currently being utilised and how this would change following the implementation of the proposal. The school has a clear plan of how and where it could accommodate the additional classrooms both in the long term and in the transition years. Some work has already been completed with the proposal in mind as it would be too much to undertake all in one go. The school says that it is carefully thinking through the whole project and working at carrying out the work in a way that is manageable and does not have a negative impact on learning for the children currently in school.

49. The school predicts a need for nine teaching spaces during the implementation of the proposal. There is the possibility that ten teaching spaces will be needed, but I was told at the meetings that this is unlikely. The plans to provide additional teaching spaces can be summarised as follows:

- The school already has 6 existing classrooms. Having already completed Phase 1 and 2 of the building work, an additional classroom space is available which needs equipping with Key Stage 2 furniture (Phase 3), providing 7 classrooms.
- An additional class base to be created by a partition wall in Reception (Phase 4), providing 8 classrooms (and additional toilets),
- An additional class base to be created in an old caretaker's house (now vacant) (Phase 6), providing 9 classrooms
- If required, a further class base to be created upstairs in the old caretaker's house (Phase 7), providing the possibility of 10 classrooms.

A carry-forward balance is available to undertake the first five phases of this planned work. However, the local authority says that in excess of £100,000 of revenue funding will need to be generated to complete Phase 6 (the ninth classroom), and a further £20,000 for Phase 7 if a tenth classroom is required to implement the proposal. The school has obtained planning permission for the change of use caretaker's house to classrooms. Quotations from building companies all dated in 2021 have been provided for each planned building phase detailed above and collectively they match the building costs the school has provided. It was acknowledged by the local authority at the first meeting that construction costs are likely to increase if the building work is delayed. My view is that the school has a clear plan of how to adapt the space available in order to implement the Proposal in terms of additional classrooms and other facilities. The school also has sufficient outdoor space to accommodate Key Stage 2 pupils.

B. Additional factors taken into account by the local authority

The impact of the Proposal upon other local primary schools

Westmoor

50. Although the proposal, if implemented, would reduce the number of Key Stage 1 places available, it is clear on the basis of the evidence presented that its implementation could potentially lead to a significant loss of Key Stage 2 per-pupil income for Westmoor. St John's is a linked school and, based upon long-term established processes, Westmoor is likely to 'lose' a maximum of 30 pupils year-on-year at Key Stage 2 in the longer term if St John's becomes an all-through school. Westmoor would also 'lose' up to 39, 56 and 35 pupils at Key Stage 2 during the transitional period. Given that the informal consultation involved a Key Stage 1 PAN increase for Westmoor of 45 - 60, I asked about the number of applications to Westmoor each year. I was provided with the following information.

Preference Rank	2018/19	2019/20	2020/21	2021/22
1 st	67	49	64	58
2 nd	22	29	32	20
3 rd	15	32	26	26
Late application 1 st preference	0	1	0	0
Late application 2 nd preference	0	0	0	0
Late application 3 rd preference	0	0	0	0
Total	104	111	122	104

51. The school has not disputed that there will be a reduction in the number of Key Stage 2 pupils transferring to Westmoor. The local authority says that the vast majority (on average 93%) of children who join Westmoor at Key Stage 2 each year transfer from St John's. The Proposal will, therefore, have by far the biggest impact on Westmoor. The authority says that, in recent years, Westmoor has been oversubscribed with applications to join its Reception year group (as illustrated by the above table). This means the possible gains for other schools from the proposed reduction in PAN at St John's cannot benefit Westmoor. This must be correct, unless the Key Stage 1 PAN for Westmoor is increased, as appeared to have been the original intention. Implementation of the proposal will not affect the number of children requiring a school place in the local area and if more of them are at St John's then fewer will be at Westmoor which will in consequence see reductions to its funding. At the meeting, the head teacher of Westmoor confirmed that, if the proposal is implemented, Westmoor would anticipate losing approximately £350,000 over a four-year

period. (I understand this figure to be based upon the assumption that the Key Stage 1 PAN would for Westmoor be increased to 60). The local authority is the admission authority for Westmoor, therefore the decision to increase the PAN would be a decision for the local authority to make. If the PAN were not increased, the anticipated loss to Westmoor would be £700,000 over the four-year period¹). The local authority says that it is important to acknowledge the strong working relationship and the collaborative work undertaken by the Headteachers and Governors of both St John’s and Westmoor to try to find an alternative system-wide solution, and that it is regrettable that, despite this work, a mutually acceptable solution could not be found. In the absence of a mutually agreed solution, the local authority was not prepared to approve the proposal.

52. I am mindful, however, that the school’s projected budget deficit if the proposal is not implemented is anticipated to be £235,997 in 2025/6 and continuing to escalate significantly year-on-year. Whilst I fully understand that it is undesirable to have surplus school places at Key Stage 2, this does not necessarily have to be the outcome, and the proposal would bring many obvious benefits if implemented. Indeed, the head teacher of Westmoor acknowledged at the meeting that having St John’s as a small all-through church primary school alongside Westmoor as a larger non-secular option would be the ideal. The figures in the table below which relate to admissions in September 2021 (and those above) indicate to me that Westmoor could admit 60 pupils (possibly more) at Key Stage 1, although the local authority is less certain of this.

Dewsbury West Planning Area Primary Schools	PAN	Number of Applicants living in PAA	Number of preferences for School	Number of places allocated	Vacancies	Waiting List
Boothroyd Primary Academy	90	66	88	50	40	0
Carlton J & I School	30	22	99	30	0	15
Diamond Wood Community Academy	120	115	100	84	36	0
St John’s CE (VC) Infant School	60	83	100	39	21	0

¹ I need to emphasise that this is my no means an accurate figure. The local authority has emphasised that more work would be needed in order to calculate any potential financial loss.

Dewsbury West Planning Area Primary Schools	PAN	Number of Applicants living in PAA	Number of preferences for School	Number of places allocated	Vacancies	Waiting List
St Joseph's Catholic Primary School (Dewsbury)	30		79	29	1	0
St Paulinus Catholic Primary School	60		81	34	26	0
Westmoor Primary School	45	83	105	45	0	17
	435	369	652	311	124	32

53. The feeling of the school is that its financial difficulties have been caused as a result of Westmoor becoming an all-through primary school located on one site, which has led to a fall in the number of applications to St John's. Although St John's raised concerns about the effect this would have on the school, it feels those concerns were disregarded. Now the school is being prevented from doing what local parents and pupils have wanted for a long time and from being proactive in taking steps which will significantly improve its financial position. I sensed a genuine feeling of unfairness. The local authority is the admission authority for Westmoor and could decide to set a PAN of 60 for Reception at Westmoor for 2022/23 without the need to apply to the adjudicator for a variation in order to off-set the reduction in per-pupil funding which would arise if the Proposal were to be implemented. However, the local authority is concerned about declining pupil numbers and the effect upon Boothroyd of increasing the Key Stage 1 PAN for Westmoor.

Boothroyd and other local schools

54. The governing board of Boothroyd Primary School (Boothroyd) has expressed concerns that, if the Proposal is implemented, this will lead to a decrease in pupil numbers at that school, which will mean that staff redundancies may be needed. The schools serve the same local area, and Boothroyd is not full in Key Stage 2 year groups, therefore there is no need for additional Key Stage 2 places. The Focus Academy Trust, which runs Boothroyd is said to have serious concerns that the proposal would have a negative impact on Boothroyd. However, the school maintains that on average fewer than two children per year transfer from St John's to Boothroyd at Key Stage 2, and suggests that the proposal would actually benefit Boothroyd because children who would otherwise have been admitted to St John's may well apply to Boothroyd if the PAN for St John's is reduced to 30. The school has suggested a figure of 40 additional applications and 30 additional pupils;

however, the local authority considers that 19 is a more realistic figure. On the basis of either account, I can see no adverse impact upon Key Stage 2 admissions to Boothroyd should the Proposal be implemented. At the second meeting, the local authority suggested that the impact of the proposal would have wider adverse consequences on the stability of the admissions process for other primary schools in the Dewsbury West Planning Area ('the ripple effect'). The effect of the implementation of the proposal upon other local primary schools is not something which I can control, and will depend upon what action (if any) the local authority decides to take in response to my decision in terms of whether the PAN for Westmoor at Key Stage 1 is increased and whether the PAN at Key Stage 2 is reduced. As Boothroyd is an academy, its PAN is set by its trust. On the basis of the figures provided, there are 40 vacancies in Reception at Boothroyd which would suggest that the availability of fewer places at St John's in Reception might be welcomed by Boothroyd.

The long-term sustainability of the school if the Proposal is not implemented

55. The school considers that its long-term viability is at "a significant risk" due to the decreasing numbers of pupils at the school, which is reportedly due to parents choosing to send their children to an all-through primary school despite a large percentage of the local community speaking very highly of St John's. The school describes a 'phenomenal' difference (decrease) of £94,715 between the 2016 and the 2021 budget allocations. The school says that the local authority has had to provide grants, staff redundancies have had to be made and there will be "more to come unless St John's becomes an all through primary school in the near future". The school has referred to budget savings which have already been made, including reducing from six classes to five, removing a half day a week school nurse service and an attendance officer service. The school has also suggested that infant schools are disproportionately affected by the cost of SEND (Special Educational Needs and Disability) provision due to the time lag between assessment and receipt of additional financial support. The local authority requested further financial information showing income and expenditure and including different models/scenarios be made available. In response the school provided two income and expenditure financial models, one for remaining as an infant school with a PAN of 60 (no change) and one for an all-through primary school with a PAN of 30. The first shows projected income and expenditure if the school remains as it is resulting in an increasing budget deficit: 2023/24 = £57,269; 2024/25 = £110,329; and 2025/26 = £235,997; whereas the second, which shows projected income and expenditure for an all-through primary school, indicates a deficit of £55,913 for one year only, which then turns into credit balances of £323,099, £102,540, £283,830, £591,156 and £730,963 which would be re-invested in the school.

56. If the proposal is approved, there would be a need for alterations to the school building. The total cost of the work required to implement the proposals is approximately £218,000 and a further £20,000 if 10 classrooms were required. A carry forward surplus of £112,000 can be used to support this work alongside the school's available Devolved Formula Capital. There therefore remains a requirement for approximately £106,000 to £126,000 of future funding required to be invested in the school building to enable implementation, which without an identified source of capital would need to be found from

revenue. The all-through primary school budget model takes account of this which is why it forecasts the one-year budget deficit.

57. The local authority considers that there are a number of opportunities for St John's, as there are for other schools who experience falling rolls, and made the following suggestions:

- “A review of all expenditure. Support is available from the LA's Education Finance team who will be able to help provide benchmarks with other similar schools.
- Mixed age teaching. The school already have some experience of this and there may be other opportunities.
- Review asset costs and opportunities. One option would be to explore, for example, is the ex-caretaker's house, i.e. what opportunities there are for income generation or disposal to save future costs.
- Specialist Provision / Resourced Provision. The local authority plans to launch an expression of interest opportunity shortly for schools who are interested in providing this provision. The emphasis will be on using existing facilities, rather than creating new, to support the sustainability of schools with lower rolls.
- Partnership and Structural opportunities. There are options for instance to join/form a federation of schools who can share resources (there are examples of federations in Kirklees which include church schools, non-church schools and a mixture of the two) Another opportunity is to join a multi academy trust. Both examples provide the opportunity to share expertise and gain economies of scale.
- Reduce the PAN. Whilst this is an option, it is not necessarily the first option as it would have a negative impact on parental choice as identified in the cabinet decision. However, it should not be ignored in the future if the patterns of parental choice changes and there becomes a realistic risk of school closure.
- Nursery Provision. This option requires very careful consideration to ensure there would be sufficient demand to sustain the service, preferably without having a significant impact on existing local providers. It could be directly delivered by the school, or they could rent space to an independent provider. There is support available to consider this option in the in the local authority's Childcare Sufficiency team.
- There remain opportunities for short term central intervention using contingency budgets to achieve the required school budget adjustments over time. The local authority says that there are some great examples in Kirklees of schools, in more challenging circumstances, working through similar options and establishing creative solutions whilst also maintaining a high-quality education offer”.

58. In short, whilst the local authority acknowledges that there are some clear financial pressures upon the school, these are no different from many other schools which have to look at creative solutions to manage their budget within their means in the context of a national funding formula and falling pupil numbers. The local authority's schools finance team comment: "The 'no change' financial modelling which the school is depicting assumes a worst-case scenario that avoids the key next steps whereby the finance team would be looking for early intervention to avoid the school reporting a deficit position by 31st March 2024 (reduced staffing / mixed year classes etc.). There remain opportunities for short term central intervention using contingency budgets to achieve the required school budget adjustments over time. To summarise their finances are not too dissimilar to other schools facing falling rolls." As the local authority believes that it is unrealistic to say that the school may need to close, no significant impact is expected on local children and the LA's sufficiency duty.

59. At the second meeting, I asked the local authority to explain how realistic it is to suggest that any of these options will ameliorate the school's increasing financial difficulties. The local authority has explained that the work has not been done to explore any of these options. This is because the focus has been on the school's proposal and whether this will be implemented. The list is a range of possibilities, some of which could be explored in combination with one another. It had been said at the first meeting that setting up nursery provision on the school site is unlikely to be a good option as there probably isn't the demand locally. Westmoor and Boothroyd both have nursery classes. Reducing the PAN is, in the local authority's view, not a desirable option, as there are indications that there is a demand for more than 30 places (though fewer than 60). The possibilities of federation could be discussed further, though the school questioned how savings could actually be achieved.

60. My view on this issue is that closure is not inevitable for the school, and that implementation of the proposal is not the only means of managing a budget deficit caused by falling rolls, however minimising the effect of a deficit is different to taking steps to eliminate the deficit. There is no doubt that the proposal represents a more secure and stable option than any of the local authority's other suggestions. What came to mind is the difference between staying confidently afloat and managing to cling on to the lifebelt.

The on-site and online meetings

61. I found these meetings exceptionally helpful. I cannot emphasise enough the high standards of professionalism shown by the local authority officers, the school's head teacher, chair and deputy chair of governors, the head teacher of Westmoor and the representative of the diocese. All were deeply caring of the needs of the local community and well-being of the children involved in the admissions process for the school and other schools within the Dewsbury West Planning Area. Whilst the meetings did not introduce new information, they were helpful in enabling me to reach a clear understanding of the issues at stake. I have set out here the points which emerged from the meetings as being particularly significant to the parties.

The school

62. The head teacher and chair of governors care passionately about the future of the school. The proposal was led partly in response to the wishes of parents and partly in response to growing financial problems. Some local parents do not particularly want their children to come to St John's. The children attend nursery at Westmoor but there are insufficient Key Stage 1 places at Westmoor, so the children go to St John's for three years and then back to Westmoor for Key Stage 2. The head teacher explained that the Reception Year is spent settling children into the school and Year 2 is spent preparing children for transition. Children only have one year of being settled, which has adverse consequences for them. Parents have consistently expressed dissatisfaction and concern. The school feels that it has 'lost' a lot of Key Stage 1 children to Westmoor, and that the local authority has not listened to its concerns. A lot of parents would choose to send their children to Westmoor simply because it is an all-through primary school with a nursery, but they are unable to do so because it is oversubscribed at Reception. Many parents would choose to send their children to St John's if they could remain at the school until the age of 11, but this is not an option either. There is some resentment within the local community, with parents who see children being able to spend their primary education at one establishment whereas this is not a possibility for their children. Some of these parents then choose to send their children to primary schools in other areas which are further away.

63. There are no other infant schools in the local authority area where pupils transfer to an all-through primary school. A move from an infant school to a junior school is one thing, but moving into a school where there are 45 children already in Year 3 who have been at the same school since Reception (or Nursery) is a daunting prospect. Plus, parents want to avoid having children at two different schools (albeit that the schools are located quite close to each other). St John's has 'lost' one full class and has had to move to mixed year group teaching, and there is no prospect of any improvement in either the level of parents' dissatisfaction or the school's financial difficulties unless some positive action is taken. The two budget models were explained to me. The model budget for the school becoming an all-through primary school indicates a prosperous and positive outcome which local parents would be very happy with (the school emphasised that 97 per cent were in favour). The school has put a great deal of work into developing and properly costing the means of taking forward the Proposal, and the local authority has scrutinised these costings and confirmed that the school would be able to finance the development costs.

64. The school is very keen to put the Proposal into effect immediately for implementation in September 2022 for the following reasons:

- If implementation were to be delayed by a year, the school would need to spend more of the contingency monies in order to off-set the predicted deficit. The contingency monies are needed for implementation.
- The detailed planning has been based upon implementation for 2022; the school has quotes for work that it will need. The local authority confirmed that the actual costs may be higher than those quoted and that construction costs are predicted to

continue to increase. The school says that they have budgeted at the top end and accounted for every contingency they can possibly think of.

- If the Proposal were approved, an application could be made quickly to the adjudicator for a variation to reduce the PAN; there would be a notification to parents on the local authority and school websites that the application for a variation is pending in order to make them aware that there may be 30 places available rather than 60. If this were done by the middle of December, this would mean that parents making applications in January 2022 could judge their preferences accordingly.
- The necessary building work will be complete and the necessary Key Stage 2 curriculum planning in place by September 2022.
- Year 2 pupils would simply stay on and would not need to re-apply

The local authority

65. I have summarised the key arguments as bullet points.

- The local authority acknowledges the strength of support for the proposal from the children and parents whose children attend the school, but is keen to emphasise that, if the Proposal is implemented, fewer children will be able to be admitted.
- The local authority's obligation is to ensure sufficiency of school places. It is not obliged to ensure that every parent who wishes their child to attend a faith school is given that opportunity.
- Whilst the local authority could be said to be in favour generally of reducing transition points, this is not a policy as such. Whilst the authority acknowledges the educational benefits and would generally be in favour of doing so where there is a system solution, the authority cannot be said to be in favour of reducing transition points at any cost. An example was given of a local arrangement whereby three infant schools feed into a junior school. Whilst this is not the same model as the model in operation in relation to St John's and Westmoor, the local authority made the point that children move schools together as a group.
- Convenience is the biggest driver for parental preference. The school is located in a densely populated area. Parents have several choices of primary school. St John's and Westmoor are situated in close proximity on one another, so it is not really inconvenient to travel between the two schools.
- Sustainability is a 'real issue' for St John's, but the same is true for lots of other primary schools. Pupil numbers have been falling since 2014/15 putting pressure on school budgets. The local authority's view is that the risk of closure is over-stated. The school has been raising concerns since 2012, but it remains open. Indeed, it has built up sufficient surplus to fund the implementation of the Proposal. Because the

focus has been on St John's wanting to become an all-through primary school, other options for improving the school's financial position have not been considered.

- In deciding to reject the Proposal, the local authority conducted a balancing exercise assessing how real the risk of closure is against the significant impact upon other schools if the Proposal is taken forward.
- There is no proper assessment of the extent of the effect upon Westmoor. The impact will be so great and so obvious, it did not even need to be quantified. The 'guidance on significant change' states that decisions should not be taken which have a negative impact upon other schools in the area. The authority did not feel it could approve a proposal which would have such a significant adverse effect upon Westmoor.
- The effect upon Westmoor could be ameliorated by increasing the Key Stage 1 PAN from 45 – 60, but this would appear less reasonable at this point due to declining population.
- It may be possible to consider a reduction in the school's Key Stage 1 PAN. The local authority is discussing the reduction of surplus places and how to achieve this in a sustainable way.
- The final key point is that any increase in St John's finances brought about by implementing the Proposal is directly at the expense of Westmoor. If the local authority was to increase the Key Stage 1 PAN for Westmoor, there is no guarantee that 15 additional children would be admitted each year. Also, this may have an adverse effect upon other schools.
- The local authority has said that, if I uphold the school's appeal, it will make an application for a variation to reduce the PAN to 30, but it would not immediately increase the Key Stage 1 PAN for Westmoor.

The diocese

66. The diocese is much in favour of the Proposal being taken forward. It provides an opportunity for parents to have the option locally of an all-through faith-based primary education, which would not otherwise be available locally at a Church of England school. There has been a move in recent years to bring together infant and junior schools, recognising the benefits that this can bring for children and families. The diocese is mindful of the particular challenges facing children changing school at Year 3 and joining established friendship groups at Westmoor, and is concerned as to the financial viability of the school if the proposal were not to be approved. The representative explained that he had seen a number of church schools close in recent years for similar reasons.

Westmoor

67. The head teacher of Westmoor explained that Westmoor's concerns were about the potential loss of pupils at Year 3. Even if Westmoor increased its Key Stage 1 PAN from 45 to 60 to offset any losses, there would still be an overall reduction in pupil numbers and the corresponding per pupil funding (15 places would be gained at YR, but 30 would still be lost at Y3 so still a net decrease of 15 with the result that the overall number at the school might fall from a maximum of 435 to a maximum of 420 in due course). The school's proposal if implemented would have a detrimental financial impact on Westmoor. It would be a loss of approximately £700-900k over a four-year period (based upon the local authority's figures). If Westmoor increased its YR PAN from 45 to 60, that could offset some losses and so the impact would be reduced to approximately £350k over four years. She has a good working relationship with the head teacher of St John's who she described as an 'exemplary professional'. Her view was that 'it makes sense for both schools to be all-through primaries – wouldn't that be lovely', but she did not appear to consider this to be achievable. She also said that she wants the best for both schools.

Conclusion and summary of reasons

68. My conclusions are that the school followed the correct process. The local authority has worked with the school to enable the development of the proposal and to ensure that all relevant statutory requirements referred to in relevant Guidance have been complied with. As a result, I am unable to find any reason not to approve the proposal under the specific guidelines laid out. The local authority has acknowledged that it has no major concerns about any aspect of the proposal not complying with the criteria set out in the Statutory Guidance, the reason for rejecting the proposal was that it is not a sustainable whole school solution and because of its potentially serious adverse effect principally upon Westmoor but also upon other local primary schools. In a nutshell, the authority believes that it should not approve a proposal put forward by one school which will have a negative impact on other schools in the area.

69. In considering the school's appeal, my obligation is to ensure that any proposed changes do not have a negative impact on the education of pupils in the area, particularly where objections have been raised on the grounds that the proposed change could potentially undermine the quality of education in the local area by creating additional places where there is surplus capacity. Whilst I understand the reasons for the local authority's decision to reject the proposal, my view on this point is quite different. I have no doubt that the proposal itself, if implemented, will enhance the quality of education for pupils at St John's and potentially other local primary age children. I was concerned to hear the extent to which young children's education is being disrupted by the system currently in place. Some children who attend St John's are educated in three different settings before they reach the age of 7. Some even attend the nursery facility at Westmoor but are not offered a place there because Westmoor is oversubscribed, attend St John's (not necessarily through choice), and then move back to Westmoor at the age of 7. This is not simply a question of

reducing transitions, the position is more serious and complex for the children involved in the process and their families.

70. There is evidence that the transition arrangements are stressful for children. As the school has highlighted, they spend their Reception year settling into the school; Year 2 is spent preparing for transition; and Year 3 is spent adjusting to a much larger school where the majority of children have already been in attendance for three or four years whilst also being separated from friendship groups. My view is that this is not a situation which can be improved by better management of transition on the part of the schools involved, as suggested by the local authority. I have seen no evidence to suggest that transition is not being managed as well as can be expected. I have seen a great deal of evidence suggesting that the particular transitions in operation are disruptive and stressful. The schools need to manage transition to reduce the stress for the children involved, but this necessitates time taken out of every-day learning at both schools. I am also conscious of the fact that, if St John's were not undersubscribed, there would be no guarantee that children leaving St John's could transfer to Westmoor at Key Stage 2 because Westmoor does not admit 60 children at Key Stage 2 (it admits at most, according to the local authority, the difference between 90 and the number transferring from Year 2). I note that in there are 56 pupils in Year 1 at St John's. They will not all be able to transfer with their peer group to Westmoor, which adds yet more stress for some children and some might have to find places at schools which happen to have vacancies in a year group which is not a normal year of entry for that school. I find it difficult to understand why this arrangement is considered to be reasonable in the interests of the educational prospects and well-being of the children involved.

71. As the head teacher of Westmoor acknowledged, it would be beneficial for local children and their families if both St John's and Westmoor were to become all-through primary schools, and there is no reason why this should not be achievable through management of the PANs for these schools. This is not a matter for me in this determination. I am aware of both the extent of my legal powers and their limitations. The local authority is the admission authority for both schools and may wish to explore and consider the possibilities for Westmoor having a PAN of 60 or possibly 75 as an all-through school. There have been 104, 111, 122 and 104 applications to Westmoor over the last four years. With a PAN of 45, this means a large number of parents are disappointed. There are 17 children on the waiting list. The predicted number of Reception children joining for St John's for the next four years are 44, 44, 43, and 42. Clearly this will cause ongoing financial problems for the school if the proposal is not implemented, but if the proposal goes forward there will be 12 – 14 parents who will need to find a school place elsewhere. From the evidence I have seen and heard, the implementation of the proposal of itself presents the opportunity for an all-through primary school which has been wanted for many years and which will have a positive effect on the education of pupils in the area. Whether the overall effect of its implementation creates surplus places at Key Stage 2 is in the hands of the local authority.

72. The support for this proposal is overwhelming. The Guidance says that decision-makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s). Although the local authority appears to have taken into account the support for the proposal, I am concerned that insufficient weight has been given to the views of children at the school and their parents. The local authority has mentioned parents who will be disappointed if the PAN for St John’s is reduced, whilst at the same time acknowledging that there are other options and sufficient places available.

73. In terms of community cohesion, the school has a large number of Muslim children whose parents choose to send their children to a church school. From the evidence I have seen, it appears that the ethos of the school enhances inclusion and that the school becoming an all-through school will also have this effect. I am assured that the local authority and the schools work in partnership, and I doubt that my decision will have the effect of damaging these positive relationships. There is no evidence to suggest that implementation of the proposal will have any adverse effect upon children sharing any of the relevant protected characteristics.

74. The local authority had concerns about the lack of Key Stage 2 teaching experience and lack of forward planning to enable the school to deliver the Key Stage 2 curriculum. I have not seen the detailed plans which have been prepared by the school, but I understand that these concerns have been largely alleviated. I am also confident that the local authority will continue to offer planning and additional support, as has been the case throughout the process. The plans for adaptations to the school premises are well-developed, and the school will have sufficient monies to fund the implementation of the proposal contingent upon it taking effect in September 2022 (subject to a one-year planned budget deficit). There is sufficient outdoor space. The school has a large playground area and garden space, which will not be reduced in any way as a result of the building adaptations.

75. I agree with the local authority that the proposal presents the opportunity to reduce a transition point, which evidence suggests can improve outcomes for children, but the local authority appears to have neglected to give sufficient weight to the wider benefits which this proposal presents. This is not simply the usual run of the mill transition from infant to junior school with children moving as a group to a school which is 5 minutes away. Such an arrangement would necessitate a small amount of adjustment and would simply be ‘the norm’. This is a more stressful transition which some parents are taking active steps to avoid notwithstanding the fact that their children are happy at St John’s. The school has told me about the creation of a sense of resentment and unfairness amongst local parents, which appears understandable in the circumstances.

76. I do not agree that the implementation of the proposal risks “destabilising a local school system”. What happens next will depend entirely upon how the local authority responds to its implementation. As I have said previously, there is an opportunity here to create 2 all-through primary schools each with unique characteristics; to further enhance

the educational benefits for local children; and to enhance parental preference. Having considered the factors above I approve the proposal subject to conditions.

77. For the avoidance of doubt, I have not made my approval conditional upon a variation being obtained to reduce the PAN at St John's from 60 – 30. This is partly because the local authority has confirmed that it will apply for a variation to this effect and partly because the implementation of the proposal needs to be put into effect without delay. The local authority is aware that the admissions process for September 2022 is underway and that parents will need to be aware of how many places will be available at St John's next September when deciding how to express their preferences. I should also say that the Key Stage 2 PAN for Westmoor is not stated correctly in the local authority's admission arrangements for the school and will need to be revised even if it is not intended to make any other changes to the admission arrangements for Westmoor. I am concerned that this is in breach of the School Admissions Code.

78. It remains for me to commend all of the parties' representatives for their professionalism, and to thank them for their time and assistance in enabling me to reach my determination in this case.

Determination

79. Under the powers conferred on me by section 21 of the Education and Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 I have considered the proposal to extend the age range of pupils from 4 – 7 years to 4 – 11 years. I hereby approve the proposal subject to the following conditions:

- Formal permission must be obtained for change of use of the former caretaker's house in the form of a letter from the diocese, as the landowner, before carrying out any necessary works.
- Planning permission must be obtained for the development of additional toilet facilities before carrying out any necessary works.

Dated: 02 December 2021

Signed:

Schools Adjudicator: Dr Marisa Vallely