



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: VAR2215**

**Admission authority: The Metropolitan Borough of Kirklees for St John's Church of England Voluntary Controlled Infant School, Dewsbury**

**Date of decision: 21 December 2021**

## Determination

**In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the Metropolitan Borough of Kirklees for St John's Church of England Voluntary Controlled Infant School for September 2022.**

**I determine that the Published Admission Number be reduced from 60 to 30.**

## The referral

1. The Metropolitan Borough of Kirklees (the local authority) has referred a proposal for a variation to the admission arrangements for September 2022 for St John's Church of England Voluntary Controlled Infant School (the school), to the Office of the Schools Adjudicator. The school is a voluntary controlled infant school with a Church of England religious character for boys and girls aged 4 to 7 in Dewsbury. The religious authority for the school is the Anglican Diocese of Leeds (the diocese).
2. The proposed variation is a reduction to the school's Published Admission Number (PAN) from 60 to 30.

## Jurisdiction

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which states that: "where an admission authority (a) have in accordance with section 88C determined the admission arrangements which are to apply for a particular school year, but (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in

circumstances occurring since they were so determined, the authority must [except in a case where the authority's proposed variations fall within any description of variations prescribed for the purposes of this section] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations".

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

## Procedure

5. In considering this matter I have had regard to all relevant legislation, and the School Admissions Code (the Code).

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

- a. the referral from the local authority dated 15 December 2021 and supporting documents;
- b. information received by me in connection with the school's appeal against the local authority's refusal to approve a proposal for the school to extend its age range to become an all-through primary school (Determination reference STP651);
- c. the determined arrangements for 2022 and the proposed variation to those arrangements;
- d. evidence that the governing board for the school has been consulted;
- e. a map showing the location of the school and other relevant schools; and
- f. a copy of the letter notifying the appropriate bodies about the proposed variation.

7. To my knowledge, no comments have been received on the proposed variation from any of the appropriate bodies.

## Consideration of the arrangements

8. On 2 December 2021, 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 approved the school's proposal to extend the age range of pupils from 4 - 7 years to 4 - 11 years, subject to specified conditions (see determination number STP651 published on the OSA website). The proposal is to take effect from September 2022. As will be explained below in more detail, in order to implement the proposal, the school's PAN for admissions in September 2022 will need to be reduced to enable the school to accommodate additional pupils at Key Stage 2 within its existing accommodation.

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

10. Paragraph 3.6 of the Code also requires that relevant parties be notified of a proposed variation. The local authority has provided me with a copy of its notification on the proposed variation and the list of schools and other bodies to which it was sent. I have seen confirmation from the school's governing board and from the diocese that each supports the request for the variation. I am satisfied that all relevant bodies have been notified. I am advised that no views have been expressed by any relevant body in response to the notification. (I am aware, however, that two local schools were not in favour of the implementation of the school's proposal but while this variation flows necessarily from the implementation of that proposal, the proposal itself is not under consideration here). I find that the appropriate procedures were followed.

## Consideration of proposed variation

11. The background to this application is described in some detail in STP651, so I will simply set out a brief summary here. On 29 April 2021, the governing board of the school 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. The local authority did not approve the proposal; however, the school exercised its right to refer the decision to the Schools Adjudicator. I considered the matter afresh as I was required to do and approved the proposal on 2 December 2021. There was opposition to the proposal from two local primary schools; however, 97 per cent of those who responded to the consultation (particularly those who would be affected directly by its implementation) were in favour.

12. One of the reasons why the school wished to progress the proposal is due to the fact that it is sustaining financial pressures as a result of not admitting up to its current PAN of 60. There are several reasons for this, one of which is a fall in pupil numbers, which is predicted to continue in the coming years. The school informed me that the local authority has had to provide financial assistance in order to ameliorate the school's budget deficit, that staff redundancies have had to be made and that the deficit will worsen unless St John's becomes an all-through primary school in 2022. Apparently, budget savings have already been made, including reducing from six classes to five, removing a half day a week school nurse service and removing an attendance officer service. 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 £32,309, £102,540, £283,830, £591,156 and £730,963 which would

be re-invested in the school. It is evident from this information that implementation of the proposal to extend the school's age range will improve the school's financial deficit significantly.

13. The school is self-funding the implementation of the proposal and has submitted detailed accounts of how the money is to be found to fund the construction costs necessary to undertake the necessary development works to its premises which are needed in order to accommodate Key Stage 2 pupils. The school's detailed implementation plans are based upon the proposal being implemented in September 2022. There will be a detrimental financial effect upon the school if implementation is delayed. This is for two reasons: First the school intends to utilise contingency funding in order to cover the implementation costs. If implementation is delayed until September 2023, the school's deficit budget will increase, the contingency funding will be needed to off-set this deficit increase and this will result in less contingency funding available to implement the proposal. Second, the school has obtained quotes for the construction costs which will need to be incurred for development of the school site. According to the local authority, construction costs are escalating currently and are anticipated to escalate further. It follows, therefore, that any delay in carrying out the necessary construction works will mean that costs will increase to some degree and possibly substantially.

14. The admissions process for September 2022 is now ongoing. Ordinarily, an adjudicator would be reluctant to approve a PAN reduction at this stage in the process, that is once parents have begun to express their preferences but before it is known how many will seek a place at any given school. However, this is an exceptional situation. The number of pupils admitted to the school for the last three years was 40 in 2019/20; 60 in 2020/21; and 39 in 2021/22. As the number of pupils admitted exceeds the proposed PAN of 30, it is anticipated that some parents will be disappointed if the PAN is reduced. However, there are sufficient places available at other primary schools to accommodate those applicants unable to secure a place for their children at St John's. This will continue to be the case as pupil numbers are set to decline further in the coming years. The local authority forecasts at planning area level and not at individual school level. The forecasts for numbers in the Reception year group at schools in the planning area where the school is located over the next two years are:

- Reception 2022/23 – 361
- Reception 2023/24 – 366
- The total number of Reception places available in the planning area is 435. If the PAN for St John's is reduced from 60 to 30 there will be 405 places available.

The forecasts for numbers in Year 3 at all schools in the planning area (not just those where Year 3 is the normal point of entry) over the next two years are:

- Year 3 2022/23 – 386

• Year 3 2023/24 – 405

• The total number of Year 3 places available in the planning area is 413. St John's becoming an all-through primary school will mean there will be a total of 443 Year 3 places available in the planning area, assuming a PAN of 30 for the school.

15. I do not anticipate that the proposed PAN reduction will have any adverse environmental impact, increase traffic congestion in the area or impose additional burdens upon local public transport services. There will be fewer pupils admitted to Reception next year if the PAN is reduced and it is anticipated that most pupils at St John's will remain at the school for their Key Stage 2 education when the school becomes an all-through primary school. This should reduce traffic congestion around the school itself. Pupils who would have been admitted to St John's if the PAN had remained at 60 may have to travel further to school. However, the data in table below indicate that the numbers will be small (12 – 14 per year), and the other schools within the local planning area with vacant places are all within reasonably close proximity of St John's.

| 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     |

16. The change in circumstances which has prompted the local authority to apply for this variation is the approval of a statutory proposal for the school to increase its age range. As the local authority says in the application form, this proposal is "contingent upon the school's PAN being reduced from 60 to 30 in order for the school to be able to accommodate the additional Key Stage 2 year groups as it becomes an all-through primary school". The implementation plan put forward by the school and approved by me assumed that the PAN would reduce from 60 to 30 from 2022/23. As the authority says, this application for a variation and the associated decision to reduce the PAN are required to ensure that the gradual implementation plan (which starts with allowing the current year 2 to progress to year 3 in 2022) remains feasible. My view, therefore, is that the proposed variation addresses the issues arising from the change in circumstances. I appreciate that the implementation of the proposal itself may lead to an adverse consequence for at least one other local primary school, however this issue has been considered at length in STP651. The impact of the proposed PAN reduction in itself (which is the matter currently before me) is not anticipated to have any adverse impact for other local schools. Indeed, it may benefit other local primary schools with vacant places. The diocese and the school

both support the application for the PAN to be reduced, and I am not aware that any of the relevant bodies notified have commented in either positive or negative terms.

17. I am, of course, acutely aware that the local authority itself was not in favour of reducing the PAN for the school as this will lead to disappointment for some parents whose children would otherwise have been offered places at St John's if the PAN had remained at 60. My decision to approve the school's proposal to increase its age range with effect from September 2022 has rather forced the local authority's hand, and I commend the local authority officers for their professionalism and diligence in making this application for a variation. I have no hesitation in approving the proposed variation. Both the school and the local authority would do well to put notices on their websites immediately pending the local authority taking the necessary steps to make a formal revision to its arrangements so that parents making applications for places at the school are aware that the PAN will be reduced.

## Summary

18. The local authority has identified a major change in circumstances which has occurred since the admission arrangements for the school were determined. In response to this unforeseen change, the local authority proposes to reduce the PAN for the school from 60 to 30. I am satisfied that the proposed variation is a necessary response to the change of circumstances in question.

## Determination

19. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the Metropolitan Borough of Kirklees for St John's Church of England Voluntary Controlled Infant School for September 2022.

20. I determine that the Published Admission Number be reduced from 60 to 30.

Dated: 21 December 2021

Signed:

Schools Adjudicator: Marisa Vallely