



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2252

Admission authority: North Yorkshire County Council for Dishforth Church of England Voluntary Controlled Primary School, Dishforth, North Yorkshire

Date of decision: 25 July 2022

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 North Yorkshire Council for Dishforth Church of England Voluntary Controlled Primary School for September 2022 and September 2023.

I determine that the catchment area is modified as described in the map published by the admission authority.

The referral

1. North Yorkshire Council has referred a proposal for a variation to the admission arrangements for September 2022 and September 2023 (the arrangements) for Dishforth Primary School (the school) to the adjudicator. The school is a Church of England Voluntary Controlled Primary school for children aged 4 to 11 in Dishforth, North Yorkshire.
2. The proposed variation is to increase the size of the school's catchment area to include part of the catchment area of a nearby school that the Secretary of State has determined should close on 31 August 2022.

Jurisdiction and procedure

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which deals with variations to determined arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) say (in so far as relevant here):

“3.6 Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified. Where the local authority is the admission authority for a community or voluntary controlled school, it must consult the governing body of the school before making any reference.

3.7 Admission authorities **must** notify the appropriate bodies of all variations”.

4. The local authority has provided me with confirmation that the appropriate bodies have been notified and that the governing board of the school has been consulted as required. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variation is within my jurisdiction.
5. In considering this matter I have had regard to all relevant legislation and the Code.
6. The information I have considered in reaching my decision includes:
 - a. the referral from the local authority dated 9 June 2022 and supporting documents;
 - b. the determined arrangements for 2022 and 2023 and the proposed variation to those arrangements;
 - c. comments on the proposed variation from the school;
 - d. comments on the proposal from the Diocese of York;
 - e. a map showing the location of the school and other relevant schools and the proposed new catchment area; and
 - f. information available on the websites of the local authority, the school and the Department for Education.

The proposed variation

7. The variation is to increase the school’s catchment area to include part of the catchment area of a school that the Secretary of State has determined should close on 31 August 2022.
8. Paragraph 3.6 of the Code (as above) requires that admission arrangements, once determined, may only be revised, that is changed or 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.

Consideration of proposed variation

9. North Yorkshire County Council as the local authority ensures that each school in the area has a catchment area. When a school closes, children living in that catchment area will not have a catchment area school unless the catchment area is allocated to one or more alternative schools. I am satisfied that the closure of a school is a major change of circumstance and that the request for a variation is justified by the change of circumstances.

10. I now consider the variation itself. During 2021 Hope Sentamu Learning Trust, supported by the Department for Education, proposed the closure of Baldersby St James Primary School. In late January 2022, the Secretary of State confirmed that Baldersby School would close on 31 August 2022.

11. The local authority had previously decided in October 2021 that in the event of closure it would consult on changing the local catchment area arrangements that would apply from September 2022, such that the catchment areas for Carlton Miniott Primary Academy, Dishforth CE Primary School and Topcliffe CE Academy would all be expanded from that date.

12. Carlton Miniott and Topcliffe schools are their own admission authorities under the Elevate Multi Academy Trust. The Elevate Trust Board will make a variation request to the Secretary of State for the other two schools. The local authority is the admission authority for Dishforth CE Primary School and is therefore making the variation proposal for this school.

13. The closing school is situated in Baldersby St James. The two main population areas within the catchment are Baldersby village to the north of the School, and Rainton village to the south. The catchment area for the School is bordered by the catchment areas of Carlton Miniott, Dishforth CE and Topcliffe Schools to the north, south and east of the School. The western boundary of the School's catchment is formed by the A1 Trunk Road, beyond which are the catchment areas for Burneston CE Primary School and Sharow CE Primary School.

14. The proposal for dividing the Baldersby St James catchment area is that the northern part of the catchment area (Baldersby Civil Parish) including Baldersby village will become part of the catchment area for Carlton Miniott Primary Academy. The southern part of the catchment area (Rainton with Newby Civil Parish) including Rainton village will become part of the catchment area for both Dishforth CE Primary School and Topcliffe CE Academy.

15. These proposals have the support of Dishforth Primary School; the Elevate Academy Trust and the Diocese of York. Parents were given the opportunity to comment by means of a consultation held between 11 February and 1 April 2022 and no comments were received.

16. I am satisfied that the proposed variation is justified by the circumstances and as a result of the variation proposed, the children living within the closing school's catchment area will live within another local school's catchment area. Baldersby Primary School will close on 31 August 2021 and so the variation to include part of its catchment area in the Dishforth Primary School catchment area will apply to the determined arrangements for Dishforth Primary School for 2022 and also for 2023 as these arrangements have already been determined by the local authority.

Determination

17. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by North Yorkshire Council for Dishforth Church of England Voluntary Controlled Primary School for September 2022 and September 2023.

18. I determine that the catchment area is modified as described in the map published by the admission authority.

Dated: 25 July 2022

Signed:

Schools adjudicator: David Lennard Jones