



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2174

Admission authority: Milton Keynes Council for Falconhurst School, Milton Keynes

Date of decision: 28 July 2021

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed reduction in the published admission number for September 2022 determined by Milton Keynes Council for Falconhurst School, Milton Keynes.

I determine that for September 2022 the published admission number will be reduced from 60 to 45.

The referral

1. Milton Keynes Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2022 for Falconhurst School, Milton Keynes (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 3 to 11.
2. The proposed variation is to reduce the published admission number (PAN) from 60 to 45.

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

5. The information I have considered in reaching my decision includes:

- a. the referral from the local authority dated 15 July 2021, supporting documents and further information provided at my request;
- b. the determined arrangements for 2022 and the proposed variation to those arrangements;
- c. a copy of the local authority’s booklet for parents seeking admission to schools in the area in September 2021;
- d. a map showing the location of the school and other relevant schools; and
- e. information available on the websites of the local authority, the school and the Department for Education.

6. Paragraph 3.6 of the Code requires that the appropriate bodies in the relevant area be notified of a proposed variation. The local authority has provided me with confirmation that the appropriate bodies have been notified. I have seen confirmation from the school’s governing board that it has been consulted on the proposed variation. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variation is within my jurisdiction.

The proposed variation

7. The proposed variation is to reduce the PAN of the school from 60 to 45 for September 2022.

8. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be revised, 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.

Consideration of proposed variation

9. When an admission authority wants to reduce the PAN at a school before it determines its arrangements, it is required to consult parents and others listed in paragraph 1.44 of the Code for at least six weeks. This allows public scrutiny of the proposed new PAN. Once arrangements have been determined, they may only be varied in limited circumstances. The variation process is set out in paragraph 3.6 of the Code. That process

is designed for use when there is a “major change in circumstances” occurring since the arrangements were determined. The variation process does not include the wider consultation process. In this case the variation requested is for a reduction in the PAN from 60 to 45 at the school for September 2022. The governing board and the local authority have said that they intend to carry out a consultation later in 2021 about changing the PAN to 45 for September 2023.

10. The local authority explains that the admission arrangements for 2022 were set in January 2021. After they had been set, applications for Reception places in schools for September 2021 were processed and the local authority reports that there were 818 fewer children seeking Reception places across the area than had been forecast. The local authority is now working with schools to help manage their budgets in the light of this significant reduction in the number of children who were expected to apply for places. This school has a PAN of 60 but has received 39 applications for places in September 2021 for the Reception year.

11. In order to manage this reduction in numbers, the school’s governing board has taken the decision to reorganise the school into mixed year groups for September 2021 so that it can meet the requirements of the Infant Class Size Regulations to have 30 or fewer children in an infant class and at the same time have increased flexibility to manage class size in order to remain within its available budget. The figures in the table below have been provided by the local authority and show the forecast numbers for the school over the next six years.

	2022	2023	2024	2025	2026	2027
Number of places forecast to be required for Reception admissions	27	40	30	29	30	30

12. The governing board has considered the implications of the falling numbers and has concluded that, with the support of the local authority who is also the admissions authority for the school, it should seek to reduce its PAN for September 2022. The school is in an established area of housing so the local authority reports that there is no demand expected from new housing. The governing board considered a possible reduction to 30 but concluded that it should seek a reduction to 45 so that there will continue to be sufficient capacity available to provide places for children in the local community.

13. The financial argument is clear and the local authority comments that if the school does not reduce its PAN a budget deficit of £148,000 could be anticipated by March 2024, while if the PAN is reduced the school could carry forward a surplus of £31,000 in March 2024. The governing board has taken the view that it should reduce its PAN but only to the level that it is confident that it can admit all the children who require places from the local

community. The local authority as the admissions authority with the support of the school's governing body has said that it intends to consult on admission arrangements later this year with a view to revising the PAN for admissions in 2023.

14. In the light of all these factors I am satisfied that the governing board and the local authority are taking appropriate steps to manage the reducing numbers of applications for places in this school and I approve the proposed variation..

Determination

15. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed reduction in the published admission number for September 2022 determined by Milton Keynes Council for Falconhurst School, Milton Keynes.

16. I determine that for September 2022 the published admission number will be reduced from 60 to 45.

Dated: 28 July 2021

Signed:

Schools adjudicator: David Lennard Jones