



DETERMINATION

Case reference: VAR799

Admission Authority: Hertfordshire County Council for Jenyns First School and Nursery, Hertfordshire

Date of decision: 24 January 2019

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variations to the admission arrangements determined by Hertfordshire County Council for Jenyns First School, Hertfordshire.

I determine that for admissions in September 2018 the published admission number shall be 9, and that for admissions in September 2019 the published admission number shall be 15.

The referral

1. Hertfordshire County Council, as the local authority, has referred two variations to the adjudicator about the admission arrangements for Jenyns First School and Nursery (the school), a community school, for September 2018 and September 2019. The variations requested are both reductions in the school's published admission number (PAN) to enable the school to save money by running three classes instead of four, thus reducing the predicted budget deficit for the school year 2019/20 and going forward.

Jurisdiction

2. 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".

I am satisfied that the proposed variations are within my jurisdiction.

Procedure

3. In considering this matter I have had regard to all relevant legislation, and the School Admissions Code (the Code).
4. The documents I have considered in reaching my decision include:
 - the referral from the local authority dated 30 November 2018 and supporting documents;
 - the determined arrangements for September 2018 and September 2019 and the proposed variations to those arrangements;
 - confirmation from the headteacher and chair of governors that the governing board is in agreement with the proposed variations;
 - a map showing the location of the school and other relevant schools;
 - further information provided by the local authority in response to questions I raised; and
 - a copy of the email notifying the appropriate bodies about the proposed variations.

The proposed variations

5. The school is a community first school for pupils aged three to nine years maintained by Hertfordshire County Council. It is a mixed school situated in Braughing in the area of Ware in Hertfordshire. The local authority is seeking the approval of the adjudicator to reduce the school's PAN for Reception (YR) from 21 places to 15 for admission to the school in September 2019, and from 21 places to 9 for the current admission year 2018/19.

Consideration of the case

6. The school's PANs for 2018/19 and 2019/20 were determined by the local authority on 2 February 2017 and 20 February 2018 respectively. As above, the PAN for Jenyns First School was set on both occasions at 21.
7. The local authority has explained that, although the school has a PAN of 21, it has generally admitted only 15 children each year, and has therefore been able to operate as 0.5 forms of entry, with three mixed aged classes. However, for the previous two years (2016/17 and 2017/18), the school has been full to its PAN of 21 in YR and is now having to run an additional Key Stage 1 class in order not to breach infant class size regulations. The 2017/18 class organisation structure is outlined in the table below:

Jenyns First School Class Organisation 2017/18

	Year N	Year R	Year 1	Year 2	Year 3	Year 4	Grand Total
			21				21
				11			11
					13	14	27
	4	21					25
Total	4	21	21	11	13	14	84

8. As a result of its increased pupil numbers, the school has raised with Hertfordshire County Council a concern that for 2019/2020 it does not have a balanced budget and it wishes its PAN to be reduced to reorganise classes and teachers in order to avoid a budget deficit. The predicted deficit is £38,444 in 2019/2020, increasing to £107,868 in 2020/21
9. The authority has explained that the school's financial difficulties have been further compounded as only seven pupils have been allocated a place in YR for 2018/2019, resulting in the school having to operate with the same number of teachers but with fewer students overall (excluding Nursery). This is illustrated in the table below:

Jenyns First School Class Organisation 2018/19

	Year N	Year R	Year 1	Year 2	Year 3	Year 4	Grand Total
			21				21
				21			21
					14	13	27
	10	7					17
Total	10	7	21	21	14	13	86

10. The local authority says: *“Reducing the PAN to 15 (for 2019/20) will ensure the school only has to run a maximum of three classes at any time. Little else in terms of cost cutting is possible without compromising the educational provision for existing pupils but by returning to running three classes the school will be able to produce a balanced budget for future years”.*
11. However, this is not the full story. The local authority has also explained that a reduction in the PAN in YR for 2018/19 from 15 to 9 is also necessary in order to obviate the need to have four classes going forward. The authority has set out the numbers for 2019/20 in a table, which is a clear method of illustrating the point. Again, I have set out the table below. As stated previously, there are currently only seven pupils in YR. Next year, when these children move into Y1 they will join another 21 children. If the PAN for admission to the school in 2018/19 is set at 9, this will mean that the combined Y1 and Y2 class will not exceed 30.

2019/20 Year Groups

	Year N	Year R	Year 1	Year 2	Year 3	Year 4	Grand Total
			7	21			28
					21	13	34
	10	15					25
Total	10	15	7	20	21	11	87

12. The local authority says that the school has taken various actions in an attempt to reduce its budget, including the following:

- working with a financial support specialist to identify potential savings within the budget;
- attending school sustainability workshops and working directly with a local authority finance officer; and
- production of an action plan which considers benchmarking, school structure, staffing levels and SEN provision. (Apparently, this is a requirement of the sustainability sessions).

13. The local authority notified the appropriate bodies of the proposal to make two variations on 14 November 2018. No responses were received. The authority submits that, without the proposed PAN reductions, the school will be unable to balance its budget going forward. *“The authority’s forecasts and analysis of local pupil dynamics suggest the school would be able to meet demand from the local area with a reduced PAN of 15. Projections for the area do not require a PAN of 21 and Braughing typically sees 1/3 of children choosing schools outside of the Primary Planning Area (generally for faith education), which then allows other children who are not within Braughing to select Jenyns as a first preference and obtain a place despite it not being their closest school.... The school’s future financial sustainability is dependent on not exceeding an admission number of 15. To go beyond this in the infant year groups would necessitate the appointment of an additional teacher to comply with Infant Class Size legislation, which would once again compromise the school’s financial situation.”*

14. The authority considers that, to ensure the school can work to a balanced budget for the next 3 years, a maximum of 3 classes for statutory school age pupils can be run. The planned organisation is shown in the table below. This does indicate that there will be a further need for four classes in the admissions year 2020/2021, however the authority says that it is working with the school to provide a solution for this particular year.

Class Organisation	2018/19		2019/20		2020/21		2021/22	
	N/R	17	N/R	25	N/R	25	N/R	23
	1	21	1/2	28	1/2	22	1/2	30
	2	21	3/4	34	3/4	42	3/4	28
	3/4	27						
Total		86		87		89		78
No of classes		4		3		4		3

15. The authority says that, whilst the school's capacity calculation indicates that the school can accommodate 108 children, *"this is insufficient to run four classes of 30 and crucially, the school cannot sustain the cost of an additional teacher. There is no class organisation alternative in order to comply with KS1 class size legislation"*.

16. In order to approve an application for a variation, I must be satisfied that the variation is necessary in order to deal with the major change in circumstances identified by the admission authority which has occurred since the admission arrangements for the school were determined. I had some questions arising from the papers I was sent. Firstly, the school is rated as outstanding by Ofsted, and I was concerned about reducing the available preferences for parents living in the area. The following table indicated that there are surplus places at Roger de Clare Church of England First School and Nursery, which is in Ware, but this is a demominational school, and I was unclear as to what the alternative local options would be for parents who do not wish to send their children to a Church of England school.

Name and type of School	Admission number	Number admitted at the beginning of the current school year	Was the school consulted on the arrangements	If so, did it respond? (please attach a copy)
St Thomas of Canterbury Catholic Primary School – Voluntary Aided	15	16	Yes	No
Roger de Clare C of E First and Nursery School – Voluntary Controlled	60	42	Yes	No

17. A further concern I had arose from the following table which was submitted as part of the application, and which indicates clearly that the demand for YR places is 20 for the admission year 2019/20 and 17 for the admission year 2020/21. These both exceed the reduced PAN of 15 which has been proposed by the authority. Furthermore, the demand for places in 2021

and 2022 is predicted to be 13 and 15, which leaves very little margin for error given that forecasting is rarely 100 per cent accurate. My question was whether there might be an alternative means of reducing the school's predicted budget deficit other than the proposed PAN reductions. I arranged to have a conversation with a senior representative from the authority to discuss my concerns. This took place on 18 December 2018, and I received further information from the authority in response to my questions on 4 January 2019.

6.1.3		Braughing								
School Code	School Name	PAN 2018-19	Actuals			Forecast				
			2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
2011	Jenyns First School and Nursery	21	13	21	21					
Total Year R Pupil Demand			13	21	21	13	20	17	13	15
Total Year R Places Available		21				21	21	21	21	21
Surplus or Shortage of Year R Places (No.)						8	1	4	8	6
Surplus or Shortage of Year R Places (%)						38.1%	4.8%	19.0%	38.1%	28.6%
Surplus or Shortage of Year R Places (FE)						0.3	0.0	0.1	0.3	0.2

18. Firstly, it was made clear to me that there have been lengthy discussions between the authority and the school, and it is the authority's view that there is no method of reducing the predicted budget deficit to the extent which is necessary, other than a PAN reduction. Secondly, I was told that a PAN of 21 is simply unsustainable for the school going forward. There had also been lengthy discussions about whether the PAN for 2019/20 should be reduced to 15 or 20, given the predicted demand for places, and a conclusion had been reached that 15 was the appropriate number. The

reason for this is that a PAN of 15 will be sufficient to meet the preferences of applicants in the local area for whom Jenyns is their closest school. Although the forecast indicates a demand exceeding 15 places at the school in 2019 and 2020, the predicted number of allocations includes the allocation of places to children living outside the local area for whom Jenyns is not their nearest school. The authority submitted a further table setting out the actual number of children registered with a GP in the Braughing area as at October 2018. This table indicates that a PAN of 15 for 2019 onwards would meet local demand going forward, but the numbers are tight for 2019/20 and 2020/21.

Sch. No	School name	PAN 2019	Year of Entry to Reception			
			2019/20	2020/21	2021/22	2022/23
231	Jenyns	21	15	13	7	8
BRAUGHING Total		21	15	13	7	8

19. However, the authority has also submitted the following historical information as evidence that the number of applications to the school from residents in the Braughing area is relatively low. Indeed, even in 2016, when the school was full to a PAN of 21, only 12 places were allocated to Braughing residents. It does appear from this evidence that, a reduction in PAN to 15 would accommodate applicants from Braughing for whom Jenyns is their nearest school and who choose to express a preference for the school. The evidence also shows that applicants from further afield have other reasonable options. I have concluded on the basis of this further evidence that the PAN reduction proposed for the 2019/20 admissions is a reasonable means of addressing the major unforeseen change of circumstances identified by the authority.

"2018

Allocations to Jenyns

- *7 children were allocated places at Jenyns*
 - *4 were from Braughing - all with Jenyns as their nearest school*
 - *3 were children living outside the local area in Buntingford & Standon*

Allocations for children living in Braughing

- *5 Reception applications were received from children living in the parish of Braughing.*
 - *All 5 had Jenyns as their "nearest" school.*
 - *4 ranked Jenyns first and were allocated*
 - *1 ranked Roger de Clare (Buntingford) first and was allocated.*

2017

Allocations to Jenyns

- 16 children were allocated places at Jenyns
 - 8 from Braughing - all with Jenyns as their nearest school
 - 8 from children living in Buntingford, Standon & Anstey

Allocations for children living in Braughing

- 13 Reception applications were received from children living in the parish of Braughing.
 - 8 ranked Jenyns first and were allocated.
 - 4 were allocated “preferred” schools, Roger de Clare & Furneux Pelham

2016

Allocations to Jenyns

- 21 children were allocated places at Jenyns
 - 12 from Braughing - all with Jenyns as their nearest school
 - 9 from children living in Buntingford, Standon, Anstey, Barkway & Hormead – all who had nearer schools

Allocations for children living in Braughing

- 17 Reception applications were received from children living in the parish of Braughing.
 - 11 ranked Jenyns first and were allocated.
 - 1 ranked Jenyns third and was allocated
 - 5 were allocated their first ranked school outside the parish, Roger de Clare (2), Furneux Pelham, Sacred Heart & St Andrews.”

20. I now move on to consider request for approval of a PAN reduction from 21 to 9 for the current school admission year 2018/19. There are only seven pupils currently on roll in YR. The authority has identified this as a major and unforeseen change of circumstances which has occurred since the PAN was set for this admission year. In considering this request for approval, I have accepted the evidence of the authority that a PAN reduction is the only reasonable means of reducing the school’s anticipated budget deficit. I can see from the figures provided that, if the number of pupils on roll for the current YR exceeds nine, the effect of this will be that when the current YR children move into Y1 next year, there will be a combined Y1 and Y2 group of 30 children or more, which will be in breach of the requirements relating to infant class sizes.

21. The concern is that there is the possibility of in-year applications for places in the current YR. With only seven children currently on roll in YR and a PAN of 21, the admission authority would almost certainly be obliged to offer places to in-year applicants up to PAN. A reduced PAN of nine would allow the admission authority to ensure that the school does not have to create an additional class next year. I have concluded, therefore, that a reduction in PAN from 21 to 9 for the admission year 2018/19 is a reasonable means of redressing the predicted budget difficulties which would be caused if the school had to create an additional class next year for the combined Y1 and Y2 year group as a result of accepting in-year applicants.

Summary

22. The local authority has identified a major change in circumstances which has arisen since the PANs for the school were set for admission years 2018/19 and 2019/20, therefore the grounds in section 88E of the Act for proposing a variation are met. It appears highly likely that there will be sufficient unfilled places in the local area to ensure that children who require a school place can be allocated one within a reasonable distance of their home.
23. In relation to the proposed variation for the admission year 2019/20, the evidence produced shows that there will be a maximum of 15 applicants from the local area of Braughing, however it is predicted by the authority on the basis of historical evidence that the actual number of parents who will express a preference for the school will be lower than 15. The basis for this prediction is that, for the past three years, residents of Braughing have expressed higher preferences for schools other than Jenyns and have been allocated, and accepted, places at those schools. On this basis, the authority has assured me that a PAN of 15 for the year 2019/20 will be sufficient to accommodate the preferences of parents in the Braughing area for whom Jenyns is their closest school, and that there are sufficient local and accessible places at other schools to accommodate the preferences of parents who live in other areas who might have been offered a place at the school if the PAN remained at 21. A reduction in the PAN from 21 to 15 for 2019/20 will allow the school to operate with three classes, which will reduce or alleviate its potential budget deficit.
24. In relation to the proposed variation for the admission year 2018/19, there are only seven pupils currently on roll at the school. A reduction in PAN from 21 to 9 will allow the school to operate with three classes next year, which will reduce or alleviate its potential budget deficit.
25. For these reasons I approve the variations requested.

Determination

26. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variations to the admission arrangements determined by Hertfordshire County Council for Jenyns First School, Hertfordshire.

I determine that for admissions in September 2018 the published admission number shall be 9, and that for admissions in September 2019 the published admission number shall be 15.

Dated: 24 January 2019

Signed:

Schools Adjudicator: Marisa Vallely