



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: VAR875**

**Admission authority: Worcestershire County Council for Chawson First School**

**Date of decision: 13 August 2019**

## 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 Worcestershire County Council for Chawson First School for September 2020.**

**I determine that the published admission number will be 60.**

## The referral

1. Worcestershire County Council (the local authority) referred a proposal for a variation to the admission arrangements for September 2020 for Chawson First School (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged five to nine in Droitwich.
2. The proposed variation is that the published admission number (PAN) is reduced from 90 to 60 places.

## 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 26 June 2019, supporting documents and further information in response to my enquiries;
- b. the determined arrangements for 2020 and the proposed variation to those arrangements;
- c. evidence that the governing board for the school had been consulted;
- d. maps showing the location of the school and other relevant schools; and the home locations of children attending reception year (YR) at the relevant schools for 2018 and allocated places for YR for 2019; and
- e. a copy of the letter notifying the appropriate bodies about the proposed variation and comments received on the proposed variation from the appropriate bodies.

## The proposed variation

7. The school alerted the local authority that a pattern of decreasing numbers of admissions was creating significant and increasing financial pressures for the school. The local authority proposed a variation so that the PAN for the school is reduced from 90 to 60 for admissions in 2020. The local authority told me that the school will retain its capacity to admit to the higher number if that becomes desirable in future years.

8. 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.

9. 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 evidence that the school's governing board supports the request for the variation. I am satisfied that all relevant bodies have been notified and that views expressed have been taken into consideration. I find that the appropriate procedures were followed.

## Consideration of proposed variation

10. There is no formal consultation required for a variation and so parents do not have the opportunity to express their views. Once the PAN has been set then no body, except the governing board of a community or voluntary controlled school, can object to the PAN remaining the same. It is therefore desirable that changes are made following consultation whenever possible. This has not occurred in this case and so I have examined the data, including on parental preference, in some detail.

11. I have to have confidence that there will be sufficient places for local children in order to agree the variation. The local authority has a duty to make sure that there are sufficient places. If additional places were required then, as the local authority is the admission authority, it can admit more children and this gives me some assurance that no child would be without a place if the PAN were reduced. The local authority forecasts the number of places likely to be needed in order to help it fulfil its duty to make sure there are sufficient places. The school is one of four schools situated in Droitwich which admit children to YR (the town schools). The other town schools are:

- St Joseph’s Catholic Primary School;
- St Peter’s Droitwich Church of England Primary School; and
- Westlands First School.

12. The next nearest school admitting children to YR beyond the town schools is about three miles from the town and thus I will consider only the demand for school places in the town as it is largely self-contained. Table 1 shows the numbers of children admitted to YR at the town schools. The PANs for the town schools have been consistent over the period shown.

Table 1: admissions to the town schools (allocations for 2019 as provided 8 July 2019)

Name of school	PAN	2016	2017	2018	2019
Chawson First (number of first preferences)	90	76 (56)	75 (56)	49 (42)	61 (57)
St Joseph’s Catholic	30	30	30	21	30
St Peter’s CofE	90	90	90	83	90
Westlands First	60	46	37	34	49
Totals	270	242	232	187	230
Number of surplus places	n/a	28	38	83	40

13. Table 1 shows that the school admitted below its PAN of 90 but above the proposed PAN of 60 in 2016 and 2017. All four town schools admitted below their PANs in 2018 but

the allocations for 2019 show two of the town schools as admitting to their PANs and a surplus of 40 places across the two remaining schools.

14. Table 1 also shows that fewer than 60 parents made the school their first preference in previous years. I asked the local authority to provide me with information on all the preferences made by parents for 2019 as an indication of the potential level of parental frustration if the PAN were reduced to 60. The data provided shows that, in 2019, any parent that put the school as one of their three preferences would have been offered a place at the school if they had not already gained a higher preference elsewhere. This gives me some assurance that parental preference would not be unreasonably frustrated if the PAN were reduced to 60 for 2020.

Table 2: local authority forecasts for admissions to YR at the town schools

Name of school	2020	2021	2022
Chawson First	64	65	83
St Joseph's Catholic *	20	16	18
St Peter's CofE	90	90	90
Westlands First	39	30	31
Totals	213	201	222
Number of surplus places if PAN for the school remains at 90	57	69	48
Number of surplus places if PAN for the school is 60	27	39	18
Percentage of surplus places if the PAN for the school is 60	11	16	8

\*Past patterns indicate St Joseph's Catholic Primary School filling to its PAN of 30 but local authority forecasts are partly based on the number of pupils living in the area.

15. Table 2 shows that the forecasts for the school are slightly above the proposed PAN of 60 in 2020 and 2021 and significantly above it for 2022. Table 2 also shows that if the PAN were 60 at the school then there would still be over 11 per cent surplus places in the town area. I think it is reasonable, based on the pattern shown in Table 1, to assume that St Joseph's Catholic Primary School will fill to its PAN of 30. In 2019, 23 of the 30 children allocated places for this school were based on faith and seven were not. However, even making the assumption for 2020 that the potential surplus places at St Joseph's were allocated to children of the faith but not living in the area, there would be 17 surplus places in the town which would be over seven per cent of the total and I am assured that there would be sufficient places for YR in 2020 if the PAN were reduced to 60.

16. I will now consider the reasons for the variation to the proposed arrangements. The local authority has forecast that the school will admit just over 60 children in 2020 and 2021 if the PAN remains at 90. The local authority explained that the school had brought to its attention the increased financial difficulties that it would have in managing admissions of just over 60. The local authority said that the school had considered different approaches

including mixing year groups but concluded that, *“due to the need for Key Stage 1 and Reception Classes to have a maximum of 30 children the only way to mix classes would be very complicated involving a situation where children would not be able to have a similar journey through the school. Managing these differences in experience would be difficult and likely to be detrimental to the learning of the children involved.”*

17. The school is likely to have to run three YR classes if just over 60 children were admitted for the reasons given by the school above. This would be challenging financially as schools are largely funded on the number of children attending and three classes of just over 20 children would be likely to have a higher cost than the income gained. The local authority said that a PAN of 60 would mean that the school could plan for a known number of classes and *“improve the overall spending on each individual’s education at Chawson.”* I understand the educational and financial reasons for seeking the reduction in PAN to 60.

18. The timing of this request for a variation means that parents will be able to state their preferences for 2020 in the knowledge of how many places are available at the school. There is evidence that parental preferences will continue to be met. The local authority’s forecasts show there will be sufficient places in the local area for those seeking a place in YR if the PAN were reduced to 60. The school has described some of the financial and educational difficulties that it has if just over 60 children are admitted to YR, as may happen in 2019 and is forecast, unless the PAN is reduced to 60, in 2020. In these circumstances I approve the proposed variation.

## 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 Worcestershire County Council for Chawson First School for September 2020.

20. I determine that the published admission number will be 60.

Dated: 13 August 2019

Signed:

Schools Adjudicator: Deborah Pritchard