



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: VAR912**

**Admission authority: Leicester City Council for Sandfield Close Primary School**

**Date of decision: 16 March 2020**

## Determination

**In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by Leicester City Council for Sandfield Close Primary School for September 2020.**

## The referral

1. Leicester City Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2020 for Sandfield Close Primary School (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 4 to 11 in Leicester.
2. The proposed variation is that the published admission number (PAN) be reduced 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 sent on 17 January 2020, supporting documents and further information provided at my request;
- b. the determined arrangements for 2020 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 2020;
- d. confirmation that the local authority has consulted the governing board of the school;
- e. a map showing the location of the school and other relevant schools; and
- f. a copy of the email dated 16 January 2020 notifying the appropriate bodies about the proposed variation.

## The proposed variation

7. The local authority has applied for a reduction in the PAN at the school as *"There has been a drop in the number of forecasted places for Sandfield Close Primary over recent years and this is impacting on the schools budget and resource situation."*

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 confirmation from the school's governing board that it supports the request for the variation. I find that the appropriate procedures were followed.

10. However, I am concerned about the timing of this application to reduce the PAN at the school for admission in September 2020 as parents had to complete the application form and set out their preferences by 15 January 2020. The application was submitted to the OSA on 16 January 2020 and parents may not have been aware about the proposal to

reduce the number of places available and may indeed have changed their preferences if they had been aware. I shall explore the issue in more detail later in this determination. I will also explore the pattern of applications for the school and whether there will be sufficient places in the area if the places are removed. In the notification to relevant bodies, the local authority wrote “*Our data shows that we will continue to have a sufficiency of places in the local area and as part of our school organisation duty, we will continue to monitor future trends, surplus capacity, birth rates and work with schools to make any required adjustments.*”

## Consideration of proposed variation

11. The local authority has five Primary School Cluster Areas and the school is located in the North Planning area along with 20 other schools which admit to Reception Year (YR). The school is the only one in the planning area where a reduction in PAN is proposed.

12. In order to determine whether there would be sufficient places in the area I first looked at the places available in the planning area and put alongside that information, the number of children offered places on National Offer Day and the number of children on the school roll at the October census for YR.

Table 1: Published Admission Numbers (assuming the reduction for the school is approved)

School	PAN 2017/18	PAN 2018/19	PAN 2019/20	PAN 2020/21	PAN 2021/22
Abbey Primary Community School	90	90	90	90	90
Alderman Richard Hallam Primary School	120	120	120	120	120
Barley Croft Primary School	45	45	45	45	45
Beaumont Lodge Primary School	30	30	30	30	30
Belgrave St Peter's C of E Primary School	30	30	30	30	30
Buswells Lodge Primary School	60	60	60	60	60
Catherine Infant School	110	110	110	110	110
Fosse Primary School	60	60	60	60	60
Glebelands Primary School	40	40	40	40	40
Heatherbrook Primary Academy	30	30	30	30	30
Herrick Primary School	60	60	60	60	60
Mellor Community Primary School	90	90	90	90	90
Mowmacre Hill Primary School	60	60	60	60	60
Rushey Mead Primary School	90	90	90	90	90
Saint Patrick's Catholic Voluntary Academy	30	30	30	30	30
<b>Sandfield Close Primary School</b>	<b>60</b>	<b>60</b>	<b>60</b>	<b>30</b>	<b>30</b>
Slater Primary School	23	23	23	23	23
Taylor Road Primary School	90	90	90	90	90
Wolsey House Primary School	90	90	90	90	90

Woodstock Primary Academy	60	60	60	60	60
Wyvern Primary School	60	60	60	60	60
<b>Total for the planning area</b>	<b>1328</b>	<b>1328</b>	<b>1328</b>	<b>1298</b>	<b>1298</b>

Table 2: Allocations on National Offer Day for schools in the North Planning Area

<b>School</b>	<b>2019 Allocated</b>	<b>2018 Allocated</b>	<b>2017 Allocated</b>
Abbey Primary Community School	90	90	90
Alderman Richard Hallam Primary School	100	120	113
Barley Croft Primary School	45	45	45
Beaumont Lodge Primary School	30	30	30
Belgrave St Peter's C of E Primary School	30	30	30
Buswells Lodge Primary School	46	59	47
Catherine Infant School	112	92	87
Fosse Primary School	54	55	57
Glebelands Primary School	40	28	40
Heatherbrook Primary Academy	26	25	20
Herrick Primary School	52	37	44
Mellor Community Primary School	70	72	45
Mowmacre Hill Primary School	56	45	45
Rushey Mead Primary School	54	55	50
Saint Patrick's Catholic Voluntary Academy	30	30	30
<b>Sandfield Close Primary School</b>	<b>36</b>	<b>37</b>	<b>35</b>
Slater Primary School	13	22	23
Taylor Road Primary School	90	90	90
Wolsey House Primary School	90	86	70
Woodstock Primary Academy	60	36	60
Wyvern Primary School	58	45	56
<b>Totals</b>	<b>1182</b>	<b>1129</b>	<b>1107</b>

Table 3: Number of children in schools in the North Planning Area on the October census date

<b>School</b>	<b>October census 2019</b>	<b>October census 2018</b>	<b>October census 2017</b>	<b>Forecast 2020/21</b>	<b>Forecast 2021/22</b>
Abbey Primary Community School	90	90	92	86	89
Alderman Richard Hallam Primary School	102	119	116	95	98
Barley Croft Primary School	44	45	45	43	44
Beaumont Lodge Primary School	31	30	30	29	30
Belgrave St Peter's C of E Primary School	28	30	31	29	30
Buswells Lodge Primary School	51	60	55	44	45

School	October census 2019	October census 2018	October census 2017	Forecast 2020/21	Forecast 2021/22
Catherine Infant School	115	103	101	106	110
Fosse Primary School	53	60	58	51	53
Glebelands Primary School	47	29	41	38	39
Heatherbrook Primary Academy	27	51	18	25	26
Herrick Primary School	57	51	53	49	51
Mellor Community Primary School	79	69	68	67	69
Mowmacre Hill Primary School	59	53	54	53	55
Rushey Mead Primary School	40	66	55	51	53
Saint Patrick's Catholic Voluntary Academy	30	30	30	29	30
<b>Sandfield Close Primary School</b>	<b>40</b>	<b>40</b>	<b>41</b>	<b>30</b>	<b>30</b>
Slater Primary School	14	19	22	12	13
Taylor Road Primary School	88	89	91	86	89
Wolsey House Primary School	88	89	80	86	89
Woodstock Primary Academy	60	89	60	57	59
Wyvern Primary School	60	44	60	55	57
<b>Totals</b>	<b>1203</b>	<b>1234</b>	<b>1201</b>	<b>1119</b>	<b>1158</b>

Table 4: Total places available and the number of vacant places in the North Planning Area

	2017/18	2018/19	2019/20	2020/21	2021/22
Sum of PANs of the schools in the planning area	1328	1328	1328	1298*	1298*
Number of children in YR at the October census	1107	1129	1182	1119 (forecast)	1158 (forecast)
Difference between the places available and the number of children (the number of vacant places)	221	199	146	179	140
Difference shown as a percentage of the whole (the percentage of vacant places)	16.6%	15%	11%	13.8%	10.8%

\*assumes the reduction in the PAN at the school is approved

13. It is clear from Table 4 that there is an overprovision of places in the area and I am satisfied that the local authority is able to meet its duty to provide sufficient places. I now consider the situation at the school itself and whether the reduction in places will impact on parental preferences. At the October census the school has had more than 30 pupils in YR over the last three years (40 in 2019 and 2018 and 41 in 2017). The local authority told me

that there have been 63 applications of which 31 are first preferences for admission in 2020. This means that at least one parent who would like their child to attend the school will not gain a place if the PAN is reduced. Moreover, some children for whom the school was a second or lower preference may have a higher priority than some first preference applicants. If they cannot be admitted to their higher preference schools, they will be offered places at Sandfield Close. All this means that it is possible that more than one parent will be disappointed if the PAN is reduced. On the other hand, some of those who are offered places in the first round of offers may move, opt for places at independent schools or, if the school is not their first preference, receive an offer in due course of a place at a preferred school.

14. The local authority told me *“Sandfield Close Primary School will be able to manage their long term budget more efficiently as they will not have to employ additional resources to look after less full classes. Currently, Sandfield Primary have just under 50 empty places in KS [Key Stage]1.”* With an intake of 40 currently in YR, the school has to determine how to meet the requirements of the School Admissions (Infant Class Sizes) (England) Regulations 2012. The regulations mean that for infant aged children, there must not be more than 30 children to a single school teacher (except in limited circumstances). In addition, in a normal year of entry a school must admit all those who apply up to the PAN. With a PAN of 60 and 40 children in YR in October, the school would have to provide two teachers to teach them. A PAN of 30 would mean that the school could have one class for YR rather than two. As schools are funded primarily on the basis of pupil numbers, it would clearly be more financially efficient if the PAN was reduced to 30. However, I need to balance the financial impact of two smaller classes with meeting parental preference which may have been different if parents had been aware of the proposed reduction in places before they made their preferences.

15. I also take into account that where a PAN is reduced in the normal course of determining arrangements, there must be consultation before determination and there is scope for making an objection to the adjudicator once a lower PAN has been determined. By contrast, where a variation is sought there is no requirement for consultation and no possibility of objecting to the adjudicator. I know that in this case the local authority did seek the views of other schools in the area and the governing board of the school but that is not the same as a proper consultation and does nothing to replace the ability to object to the adjudicator. It is likely that the school will admit more than 30 pupils for admission in 2020 if the PAN remains at 60. Parental preferences may have changed if it was clear that there was a proposal to reduce places at the school but parents would not have known of the proposal in good time for their choices to be influenced. Taking account of all the information provided to me, I have decided that the proposed variation is not justified by the circumstances.

16. I note also that the local authority has determined a PAN of 60 for the school in 2021 as they did not undertake a consultation in time to make the amendment that it is seeking

through this application for a variation in 2020. The local authority can if it wishes propose a variation to the PAN for 2021.

## **Determination**

17. In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by Leicester City Council for Sandfield Close Primary School for September 2020.

Dated: 16 March 2020

Signed:

Schools Adjudicator: Lorraine Chapman