



Office of
the Schools
Adjudicator

Determination

Case reference: VAR942

Admission authority: Leicester City Council for Sandfield Close Primary School

Date of decision: 09 September 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 2021.

The referral

1. Leicester City Council (the local authority) as the admission authority has referred a proposal for a variation to the admission arrangements for September 2021 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. Leicester City Council is the local authority and also the admission authority for the school.
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 13 July 2020, supporting documents and further information provided at my request;
- b. the determined arrangements for 2021 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 6 July 2020 notifying the appropriate bodies about the proposed variation.

The proposed variation

7. The local authority has applied for a reduction in the PAN from 60 to 30 at the school from September 2021 because it says there are reducing pupil numbers in the school and this is impacting on the school's budget and resource situation. It expects the trend to continue in the future. The local authority also explains that the school has committed to opening a designated specialist provision (DSP) on their site to support children with special educational needs and disabilities. This will require reallocation of one of the classrooms and without a reduction in the PAN will lead to a reorganisation of the class structures into mixed year groups to facilitate this.

8. Paragraph 3.6 of the Code permits an admission authority to propose a variation to its determined arrangements if there is a major change in circumstances. The admission authority for this community school is the local authority. Such proposals must be referred to the Schools Adjudicator for approval. 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 am satisfied that the appropriate procedures were followed.

Consideration of proposed variation

10. The local authority as the admission authority has submitted a case for a reduction in the PAN from 60 to 30 for 2021. Earlier this year a similar request with case reference VAR912 was made to the OSA for a reduction in the school's PAN from 60 to 30 for 2020 admissions. Approval for this variation was refused on the grounds that a variation request does not require consultation with parents and the timing of the 2020 request was after parents had submitted their preferences for the school and the adjudicator was concerned that some parental preference might be unnecessarily constrained if only 30 places were available. The admission preferences could not therefore be made in the knowledge that the PAN at the school had been reduced. The figures provided for the current variation request show that the 2020 applications for this school increased and 53 children were offered places at the school for the beginning of the academic year 2020/21. Determinations are written in the context of the circumstances at the time and I shall consider the issues presented in this current variation request in the context of the 2021 admissions arrangements.

11. The school and the local authority are in agreement about the need for a reduction in the PAN from 60 to 30. The arguments presented are:

- that the number of children in the area is reducing;
- the school has organised itself into year groups and runs two classes per year group; this is proving to be financially challenging with an increasing number of small classes requiring a full time teacher plus support but without the income generated by larger classes to support this expenditure since schools are largely funded on the basis of the number of pupils;
- the school is setting up a dedicated support base for special needs and this will require a classroom. At present, the only way to manage this would be for the school to move from single aged classes to mixed age classes and in this way increase the class sizes thus making them more financially viable and at the same time releasing a classroom for use with the dedicated support base;
- The school has an elderly mobile classroom used as a Year 3 class base. Reducing to a single form of entry at the school would allow the mobile classroom to be removed and the whole school to be within the main school building; and
- at the date the application was made for the variation, the school had over 50 empty places in KS1.

12. 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.

13. The local authority provided the following information to assist me in considering this variation request. Table 1 shows the total of places available in the planning area and assumes that the variation request has been approved for the school. Table 2 shows the number of places offered for each school over the last three years. It can be seen that for this school the number of places offered was 37 in 2018; 36 in 2019 and 53 in 2020. Table 3 shows that 47 of the places allocated in 2020 were first preferences. Table 4 shows the number of children forecast to be within the area. It assumes that the PAN for the school is 30 and the forecasting model assumes that each school only admits to PAN and no further so the forecast for the school is capped at 30.

Table 1: Published Admission Numbers (assuming the reduction for the school is approved for 2021)

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
Sandfield Close Primary School	60	60	60	60	30
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
Total for the planning area	1328	1328	1328	1328	1298

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

School	2018 Allocations	2019 Allocations	2020 Allocations
Abbey Primary Community School	90	90	90
Alderman Richard Hallam Primary School	120	100	107
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	59	46	60
Catherine Infant School	92	112	95
Fosse Primary School	55	54	60
Glebelands Primary School	28	40	45
Heatherbrook Primary Academy	25	26	19
Herrick Primary School	37	52	44
Mellor Community Primary School	72	70	67
Mowmacre Hill Primary School	45	56	44
Rushey Mead Primary School	55	54	45
Saint Patrick's Catholic Voluntary Academy	30	30	30
Sandfield Close Primary School	37	36	53
Slater Primary School	22	13	25
Taylor Road Primary School	90	90	90
Wolsey House Primary School	86	90	80
Woodstock Primary Academy	36	60	43
Wyvern Primary School	45	58	42
Totals	1129	1182	1144

Table 3 Breakdown of Allocations

Base	PAN	1st Pref 2020	2nd Pref 2020	3rd Pref 2020	4th Pref 2020	Total (1-4) 2020
Abbey Mead Primary Academy	90	100	33	20	5	158
Alderman Richard Hallam Primary School	120	97	16	9	5	127
Barley Croft Primary School	45	64	7	8	3	82
Beaumont Lodge Primary School	30	32	17	8	2	59
Belgrave St Peter's C of E Primary School	30	27	9	9	0	45
Buswells Lodge Primary School	60	43	19	2	2	66

Catherine Infant School	110	83	37	13	6	139
Fosse Primary School	60	49	13	11	0	73
Glebelands Primary School	45	47	12	8	0	67
Heatherbrook Primary Academy	30	13	11	5	1	30
Herrick Primary School	60	37	27	7	2	73
Mellor Community Primary School	90	60	41	18	5	124
Mowmacre Hill Primary School	60	42	4	6	1	53
Rushey Mead Primary School	90	51	26	13	3	93
Saint Patrick's Catholic Voluntary Academy	30	33	8	11	2	54
Sandfield Close Primary School	60	47	18	14	6	85
Slater Primary School	23	16	7	9	1	33
Taylor Road Primary School	90	95	9	9	0	113
Wolsey House Primary School	90	72	24	8	3	107
Woodstock Primary Academy	60	41	5	5	2	53
Wyvern Primary School	60	41	16	16	4	77
Total Students	1333	1090	359	209	53	1711

Table 4: Number of children in Year R in schools in the North Planning Area on the October census date

School	October census 2017	October census 2018	October census 2019	Forecast 2020/21	Forecast 2021/22
Abbey Primary Community School	92	90	90	86	89
Alderman Richard Hallam Primary School	116	119	102	95	98
Barley Croft Primary School	45	45	44	43	44
Beaumont Lodge Primary School	30	30	31	29	30
Belgrave St Peter's C of E Primary School	31	30	28	29	30
Buswells Lodge Primary School	55	60	51	44	45
Catherine Infant School	101	103	115	106	110
Fosse Primary School	58	60	53	51	53
Glebelands Primary School	41	29	47	38	39
Heatherbrook Primary Academy	18	51	27	25	26
Herrick Primary School	53	51	57	49	51
Mellor Community Primary School	68	69	79	67	69
Mowmacre Hill Primary School	54	53	59	53	55
Rushey Mead Primary School	55	66	40	51	53

School	October census 2017	October census 2018	October census 2019	Forecast 2020/21	Forecast 2021/22
Saint Patrick's Catholic Voluntary Academy	30	30	30	29	30
Sandfield Close Primary School	41	40	40	53	30
Slater Primary School	22	19	14	12	13
Taylor Road Primary School	91	89	88	86	89
Wolsey House Primary School	80	89	88	86	89
Woodstock Primary Academy	60	89	60	57	59
Wyvern Primary School	60	44	60	55	57
Totals	1201	1234	1203	1119	1158

14. I am satisfied that the local authority will be able to meet its duty to provide sufficient places for 2021 and beyond if this PAN reduction is approved. This PAN reduction is being requested as a variation because it was not considered before the arrangements were determined for 2021 in February 2020 by the local authority as the admission authority for the school. I have set out the reasons above why the variation is being requested above and will now consider them.

15. The first argument is that the pupil numbers in the area are reducing. In considering this assertion against the figures provided in the tables above I can see that there are between 10 and 20 percent more places in the area than there are children to fill them. I am less persuaded that there has been a major change in the last two years that could be described as unexpected and which would justify the requested variation. In fact, the number of children allocated to YR in this school has gone up from 37 in 2019 to 53 in 2020. The local authority's forecast model caps the school's numbers at the proposed PAN so it is not possible to see what that number would be in future years if the PAN remained at 60. The indication from the figures provided is that there is a demand for places that is greater than 30 but less than 60. This does not appear to be a strong justification for the proposed variation, and I consider that this is a matter that should more properly be considered as part of the annual review of admission arrangements and subject to consultation. That would allow those with an interest – including, in particular, local parents – to express their views about how many places should be offered at the school. It would also allow for subsequent objections to the adjudicator if people or organisations were unhappy with any decision the local authority might make in the light of consultation.

16. The school organises itself with two classes in each year group. With a PAN of 60 this could provide two classes of 30 children. There would be a maximum of 30 pupils in the infant classes as set out in the School Admissions (Infant Class Sizes) (England) Regulations 2012. With class sizes of around 30, the pupil numbers provide for a sustainable budget. The school argues that this form of organisation has become more

financially challenging with an increasing number of small classes requiring a full-time teacher plus support but without the income generated by larger classes to support this expenditure. I might have been persuaded that this was the case with admissions of 36 and 37 although it is worth noting that when compared with the October census figures, there is an increase in the numbers in the year group each year, presumably due to late applications or in year admissions. I am not currently persuaded by this argument because in 2020 the school will have 53 children in Year R and if the trends of previous years are followed this number may increase by the October census date.

17. The local authority has explained in its documentation that the school has committed to set up a designated support base for special needs and that this will require a classroom. The local authority says that at present, the only way to manage this would be for the school to move from single aged classes to mixed age classes in order to reduce the number of classes. I observe that The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 set out in paragraph 5 and schedule 2 that a statutory proposal is required “In relation to provision for special educational needs in a mainstream school,,,,(involving)...the establishment of a provision that is recognised by the local authority as reserved for children with special educational needs.” If this designated support base is such a provision the local authority will be carrying out a consultation as part of the statutory proposal and it would be feasible for it to consult about the PAN for 2022 at the same time.

18. Where a PAN is reduced in the normal course of determining arrangements, as noted above, there must be consultation before determination and there is scope for making an objection to the adjudicator once a lower PAN has been determined. In this case, if the PAN reduction is agreed as a variation, parents will know about this before applying for school places and can adjust their preferences on the application form accordingly but they will not have had the opportunity to comment on the proposal or to have made an objection to the adjudicator. Given the fact that 53 places have been allocated in 2020, if the PAN is reduced to 30 there is potential for a significant number of families not to be offered a place at a school for which they have a preference and to find their children allocated a place at a school they would like less. If the forecast numbers for the school follow the trend of the current year of admission, the school and local authority may take the view that a reduction in the PAN is unnecessary. If they continue with the view that a PAN reduction is required, then this can be consulted on for 2022 this term in preparation for determination of the arrangements in the new year.

19. The arguments that support this proposal are the benefit to the school of larger classes which lead to a sustainable budget; the release of a classroom to establish a proposed special needs facility and the removal of a mobile classroom. The counter arguments are the possibility of insufficient places to meet parental demand; the lack of proper consultation inherent in any request for a variation, and the fact that numbers have increased for 2020 and not fallen as the proposed variation suggests. I have considered these arguments carefully and in my judgement the arguments in favour of the proposal are

outweighed by the counter arguments. My decision is therefore that in this case the proposed variation is not justified by the circumstances. In consequence I do not approve the proposed variation and the PAN is not to be reduced for 2021.

Determination

20. 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 2021.

Dated: 09 September 2020

Signed:

Schools Adjudicator: David Lennard Jones