



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: VAR1728**

**Admission authority: Staffordshire County Council for Hob Hill Church of England / Methodist Voluntary Controlled Primary School in Rugeley, Staffordshire**

**Date of decision: 8 October 2020**

## 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 Staffordshire County Council for Hob Hill Church of England / Methodist Voluntary Controlled Primary School for September 2021.**

**I determine that for September 2021 the published admission number will be 30.**

## The referral

1. Staffordshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 for Hob Hill Church of England / Methodist Voluntary Controlled Primary School (the school), to the adjudicator. The school is a voluntary controlled school for children aged three to eleven in Rugeley and the local authority area of Staffordshire County Council.
2. The proposed variation is that the published admission number (PAN) for the school is reduced from 45 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. The local authority has confirmed that it has notified all relevant bodies. I have seen confirmation 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 am satisfied that 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 18 August 2020 and supporting documents and further information at my request;
- b. the determined arrangements for 2021 and the proposed variation to those arrangements;
- c. evidence that the governing board for the school has been consulted; and
- d. confirmation that the appropriate bodies have been notified of the proposed variation.

## **The proposed variation**

7. 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 cases. I will consider below whether the variation requested is justified by the change in circumstances.

## **Consideration of proposed variation**

8. 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. In this instance the local authority has stated that it intends to set the PAN at 45 for admissions in 2022.

9. I have scrutinised the data to try to ascertain if there will be sufficient school places in the local area if the PAN is reduced from 45 to 30 for September 2021; considered the

demand for places at the school; the reasons given for the change; the potential effect on parental preference; and whether the change is justified in these circumstances.

10. The local authority has a duty to make sure that there are sufficient places for the children in its area. To fulfil this duty the local authority assesses the likely future number of places to be needed and plans to meet that need. The local authority uses planning areas, which are geographical groups of schools, for this purpose. The school is one of nine schools admitting children to reception year in Rugeley and this group is used as a planning area by the local authority. Table 1 shows the total number of places available across the nine schools in Rugeley, how many children have been admitted in recent years, the number forecast for admission in 2021 and 2022 and the number and percentage of unfilled places in each year.

Table 1: admissions to YR in Rugeley

	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Sum of PANs</b>	330	330	330	330	330*	330*
<b>Number of children admitted</b>	289	303	271	252 (allocated)	272 (forecast)	293 (forecast)
<b>Number of vacant places</b>	41	27	59	78	58	37
<b>Number of vacant places as percentage of total PAN</b>	12%	8%	18%	24%	18%	11%

\*assumes no changes to PAN of any school

11. Table 1 shows that there have been surplus places across the planning area since 2017 and that this proportion increased to around 24 per cent for admissions in 2020. The forecasts for 2021 and 2022 show the proportion of vacant places reducing but remaining more than sufficient to meet the forecast need. If the PAN were to reduce for 2021 then the number of overall places would reduce from 330 to 315 which would still leave 43 vacant places across the town. Forty three vacant places would mean that 14 per cent of the total available were vacant. I am therefore assured that if the PAN were to reduce by 15 places then there would be sufficient places in the area for YR in 2021.

12. I will now consider the demand for places at the school. Table 2 shows the detail of recent years and allocations for 2020. No forecasts were provided for 2021 in the original request for a variation.

Table 2: allocation of places at the school

	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
PAN	45	45	45	45
Number of children admitted or allocated	38	47	43	32
Number of vacant (+) or surplus (-) places	+7	-2	+2	+13

13. The numbers of children admitted or allocated a place have fluctuated with 47 (two over the PAN) admitted in 2018 and close to 45 admitted in 2019 but only 32 allocated a place at the school for 2020. In fact, later information provided by the local authority showed that only 30 children actually started in Reception at the school in September 2020. A PAN of 45 is likely to mean that the school is normally arranged with mixed age classes. This becomes harder to manage when the numbers of children joining the school in successive years fluctuates. Related to this are the requirements of the Infant Class Size Regulations. These regulations mean that, as described in paragraph 2.15 of the Code, “Infant classes (those where the majority of children will reach the age of 5, 6 or 7 during the school year) **must not** contain more than 30 pupils with a single school teacher. Additional children may be admitted under limited exceptional circumstances.”

14. The local authority provided to me the minutes of a meeting of the governing board for the school dated 8 July 2020. These record a discussion of the potential challenges of the number of children being admitted to YR. The minutes recorded that the number of admissions to YR was then 31 and that one class of YR pupils would be provided.

15. If in 2021 just over 30 children were allocated places, say around 32, then there would be significant challenges for the school in terms of class organisation with perhaps two classes of only 16 children each for YR, which would be an expensive model, or mixing YR and Y1. The school is experienced in working with mixed aged classes but in these particular circumstances it would be simpler in terms of class organisation to not to have to admit more than 30 children when the forecast shows that the number of children seeking a place at the school could be around 30. A PAN of 30 would make sure that that is possible.

16. The governing board has expressed its willingness to admit more children if there is demand to do so but requested that the local authority set a PAN of 30 so that the school can be financially efficient and able to plan its staffing effectively. If the variation is made now, parents will know the PAN for the school when they state their preferences (the closing date is 15 January 2021) for admission in 2021 and can make their decisions accordingly.

17. I note that it is the local authority’s intention to set the PAN at 45 for 2022. If I approve this variation, the PAN for 2021 becomes 30. Paragraph 1.2 of the Code says that while other admission authorities do not need to consult before increasing a PAN, local authorities must consult at least the governing board of a voluntary controlled school if the local authority wishes to increase the PAN.

18. However, table 1 shows that in 2021 there may be a similar demand across the planning area to 2019. In 2019 there were 43 children admitted to the school and, if there were to be similar demand in 2021 there would be a risk of frustrating parental preference by reducing the PAN to 30. I therefore asked the local authority to provide any evidence

that it had that reducing the PAN to 30 would not unreasonably frustrate parental preference or any evidence that justified so doing.

19. In response the local authority provided detail of its forecasting for admissions in 2021. This included analysis of birth data in the catchment area, data from the National Health Service and pre-school provision regarding the numbers of children of the relevant age, trends in the number of children living in the catchment area who seek admission to the school and information on local housing developments.

20. Table 3 shows this information for the school. I note in this context that most of the schools in the planning area including Rugeley have catchment areas as part of their oversubscription criteria. However, there is considerable movement across the catchment areas as parents often prefer schools that are not their catchment area school. This means that the number of children in each school's catchment area is not an entirely reliable guide to the number of children who will seek a place at that school.

Table 3: underlying data for pupil number projections for the school as provided 15 September

	2017	2018	2019	2020	2021
<b>Number of births in the relevant year in catchment</b>	25	38	35	54	34
<b>Number of children in catchment of relevant age</b>	42	52	48	50	33
<b>Number of children allocated a place at the school</b>	38	47	43	30	N/A
<b>Number of children allocated a place at the school living in catchment</b>	23	27	29	15	N/A

21. Based on this data the local authority expressed its conviction that the number of children for whom places would be sought at the school in 2021 would be fewer than those admitted in 2020 and significantly fewer than in previous years. This was because the number of three year olds in the area is considerably fewer than was the case at the relevant time in the last three years as shown in table 3 – 33 for 2021 compared to 50 for 2020. The local authority said, *“that for 2017/18, 2018/19 and 2019/20, the cohort numbers of catchment area children all increased by the time the cohort reached 3+. For the 3 years*

*from 2018/19 the 3+ numbers have all been very similar, the 3+ data for the 2021/22 allocation group is much lower.”* It is clear from the table that in no recent year has the number of children of the right age living in catchment has exceeded the PAN. To put it another way, while the school clearly attracts some children from outside its catchment this is more than offset by the number of children living in its catchment who go to school elsewhere. For 2021, the number of children living in the catchment area who would be the right age to join the school in only 33 and this is good evidence that reducing the PAN to 30 is unlikely to frustrate parental preference unreasonably.

22. There is evidence that a PAN of 30 for 2021 will assist the school in avoiding organisational and financial challenges which could be caused if just over 30 children were admitted. This would be averted if the PAN were set at 30. I am assured by the information provided to me by the local authority that there are sufficient places in the planning area and that parental preference will not be unreasonably frustrated if the PAN is reduced to 30 for 2021. Parents will know in advance of their applications how many places are available and therefore can plan accordingly. For these reasons I agree the proposed variation for 2021 so that the PAN is reduced from 45 to 30.

## Determination

23. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Staffordshire County Council for Hob Hill Church of England / Methodist Voluntary Controlled Primary School for September 2021.

24. I determine that the published admission number will be 30 for September 2021.

Dated: 8 October 2020

Signed:

Schools Adjudicator: Deborah Pritchard