



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2098

Admission authority: Warwickshire County Council for Boughton Leigh Infant School, Rugby

Date of decision: 8 January 2021

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 Warwickshire County Council for Boughton Leigh Infant School for September 2020.

I determine that the published admission number will be reduced from 90 to 60.

I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to publication in the ways set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The admission authority is required to publish the 2020 admission arrangements by 15 March 2021.

The referral

1. Warwickshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2020 for Boughton Leigh Infant School (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 3 to 7 in Rugby.
2. The proposed variation is to reduce the published admission number (PAN) from 90 to 60.

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.

5. I am also satisfied that it is within my jurisdiction to consider the determined arrangements in accordance with my power under section 88I of the Act as they have come to my attention and determine whether or not they conform with the requirements relating to admissions and if not in what ways they do not so conform.

Procedure

6. In considering this matter I have had regard to all relevant legislation, and the School Admissions Code (the Code).

7. The documents I have considered in reaching my decision include:

- a. the referral from the local authority dated 14 December 2020, supporting documents and its responses 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 has been consulted;
- d. a map showing the location of the school and other relevant schools; and
- e. the determination VAR1936 published on 17 November 2020;
- f. a copy of the notification to the appropriate bodies about the proposed variation.

Consideration of the arrangements

8. In a determination about the admission arrangements for 2021 of another school for which the local authority is the admission authority (VAR1936 published on 17 November 2020) the adjudicator found that the arrangements for 2021 did not conform with paragraph

14 of the Code concerning clarity and paragraph 1.47 of the Code concerning publication. With this application I was provided with a hyperlink leading to a page on the local authority's website in order to find a copy of the arrangements for 2020. The further hyperlinks found on this page which should have taken me to the arrangements did not work. I also tried to find the 2020 arrangements by entering the home page of the local authority's website and following the links there. It took me seven clicks of the mouse to find a link to admission arrangements and a further click to arrive at the same page the hyperlink provided with the application took me to. Again, the links on this page to information about the 2020 arrangements did not work. I find that the arrangements are not published as required by paragraph 1.47 of the Code.

9. Determination VAR1936 required the local authority to revise its arrangements for 2021 by 17 February 2021 to meet the requirements of paragraph 1.47 of the Code concerning publication. The local authority has told me that the admission arrangements online have been reorganised. It appears to me that there is more to be done so that parents and others can easily find admission arrangements on the local authority's website. Determination VAR1936 required that the publication of the arrangements for 2021 was revised by 17 January 2021 and the Code requires that the arrangements for 2022 must be published once they have been determined and by 15 March 2021 at the latest. Paragraph 3.1 of the Code allows me to set my own deadline for the local authority to give effect to this determination which is being made early in January 2021. If it were not for the pressures arising from Covid-19 I would be minded to require the local authority to ensure that the 2020 arrangements were published on their website alongside those for 2021 by 17 January 2021 in line with the requirements of VAR1936. However, in the current circumstances I will set the date of 15 March 2021 for the 2020 arrangements to be published on the local authority's website so that the arrangements for all three years can be found easily.

10. I have decided not to consider other aspects of the 2020 arrangements under section 88I of the Act. This is because I think requiring other revisions to them at this time could detract from ongoing work to clarify the 2021 arrangements and determine the 2022 arrangements at a time when local authorities are under pressure from Covid-19. Clarifying future arrangements will be more beneficial to families than revising those for the current year.

The proposed variation

11. 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 in certain other limited and specified circumstances. I will consider below whether the variation requested is justified by the change in circumstances.

12. Paragraph 3.6 of the Code also requires that the appropriate bodies are 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 bodies have been notified. I find that the appropriate procedures were followed.

Consideration of proposed variation

13. The school is situated in the north of Rugby. The Department for Education Database lists 12 other state-funded primary schools within two miles of the school's address as well as the neighbouring Boughton Leigh Junior School.

14. The major change of circumstance identified by the local authority is stated as "Admittance of pupils significantly below current PAN". The local authority has told me that the number of places allocated at the school in recent years has been as shown in the following table.

Year	2018	2019	2020
Places offered	72	63	59

15. The local authority said that the Reception aged children are being taught in three classes and that this was not financially sustainable. The governing board told me that the additional costs arising from precautions to avoid Covid-19 in the school were a factor in taking the opportunity of a member of staff leaving to reorganise the Reception pupils into two classes for the next two terms. Further enquiries revealed that the number of children on roll is now 200, distributed as follows with each year group divided into three classes.

Year R	Year 1	Year 2
60	66	74

16. The application did not explain why the local authority considers it necessary to reduce the PAN to 60 in order for the school to combine the three Reception classes into two. The PAN does not by itself dictate the number of classes; the PAN is the maximum number of pupils in the relevant age group that it is intended to admit in the school year. While the PAN is 90, then the admission authority cannot refuse admission to the relevant year, in this case Reception, until that figure is reached until the end of the current school year. The PAN does not affect admission to Year 1 or Year 2. Admission to those year groups can only be refused if it can be shown that admitting another child would prejudice the efficient provision of education or the efficient use of resources.

17. If the PAN stays at 90 and another child applied for a place between now and the end of the school year, then the local authority would have to admit them. If the school had

combined the three classes into two, then infant class size legislation would not normally allow the child to be placed in one of the two Reception classes all the while there were 30 in each. Unless they qualified as an excepted child, the new child would have to be placed in a Year 1 class. This could lead to the parent changing their preference. There are other ways in which the school could reorganise from nine classes to eight which would allow more children to be admitted to Year R, for example, retaining three Reception classes and combining the 140 Year 1 and Year 2 children into five classes.

18. Many primary schools have to operate with mixed age classes because the number of children in the area they serve requires it, and they do so successfully. However, for a school which has not needed to operate in this way, to change mid-year would be disruptive to the children's education. Setting a PAN of 60 would mean that age groups would not have to be mixed as applicants to Reception could be refused for the remainder of the school year while both classes had 30 pupils in them.

19. Because each year group has increased in size since it was established, it seems likely to me that the school could expect more applicants for Reception places. I will now consider what the implications would be for a family moving to the area who needed a place for a child of Reception age and balance these with the situation at the school.

20. The local authority provided details of the number of children at the schools in the planning area which it uses to forecast the need for school places. There are currently 240 Reception class places available at the three primary schools with Reception classes in that area. In September 2020, 208 of these places were allocated and there are currently 209 Reception children on roll at these schools. If the PAN is reduced to 60, then there would be just one place available in the planning area for families moving in. However, the planning area is very small and as noted above there are 12 primary schools within two miles of the school, not just the three within the planning area. I sought more information from the local authority about the availability of places at these schools.

21. Eight of these other primary schools admit children to the Reception year. The combined PAN of these schools is 345 and there are 296 children on roll. One school has admitted a child above its PAN leaving 50 empty places across four schools. I am satisfied that a family moving into the planning area served by the school would have a range of schools to choose from for a Reception aged child within an acceptable distance from their home if they could not be offered a place at the school because of the proposed reduction in PAN.

22. For the reasons set out above, I have decided to approve the proposed reduction in PAN from 90 to 60 in the 2020 admission arrangements. For the avoidance of doubt, this decision relates to the 2020 arrangements and leaves the 2021 PAN unchanged from the figure of 90 as determined by the local authority on 20 February 2020. The local authority is not required to determine the PAN for 2022 until 28 February 2021. If the local authority wished to set a figure lower than 90 for 2022, then six weeks of consultation was required before 31 January 2021.

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 Warwickshire County Council for Boughton Leigh Infant School for September 2020.

24. I determine that the published admission number will be reduced from 90 to 60.

25. I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to publication in the ways set out in this determination.

26. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The admission authority is required to publish the 2020 admission arrangements by 15 March 2021.

Dated: 8 January 2021

Signed:

Schools Adjudicator: Phil Whiffing