



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2147

Admission authority: Hertfordshire County Council for Garden Fields Junior Mixed and Infant School, St Albans

Date of decision: 23 June 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 Hertfordshire County Council for Garden Fields Junior Mixed and Infant School for September 2022.

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

The referral

1. Hertfordshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2022 for Garden Fields Junior Mixed and Infant School (the school) to the Office of the Schools Adjudicator. The school is a community school for children aged 4 to 11 in St Albans.
2. The proposed variation is that the published admission number is reduced 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.

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 7 June 2021 supporting documents and responses to my enquiries;
- b. the determined arrangements for 2022 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;
- e. a copy of the notification to the appropriate bodies about the proposed variation; and
- f. comments received on the proposed variation from the appropriate bodies.

The proposed variation

7. The school is situated in the north of St Albans; the Department for Education (DfE) database “Get Information About Schools” shows there are 24 other state-funded primary schools within two miles of the school’s postcode. The school is regarded by Ofsted as “Good”.

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 the appropriate bodies in the relevant area 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 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. The arrangements, including the PAN of 90, were determined by the local authority on 22 February 2021. The change in circumstances which have occurred since that date described in the application is that only 70 children were offered a place at the school for September 2021, this is significantly below what was expected. Of those 70, at the time of the application five have already turned their place down and, based on the experience of previous years, more children were expected to be withdrawn before the start of term. The number of children the local authority told me were expected to start at the school in September 2021 varied in different documents it provided. This is to be expected as it reflects fluctuations at this time in the admissions process as appeals are decided, offers are made from waiting lists and parents change their minds. The figure is, however, consistently in the range of 65 to 70.

11. The local authority said that it was working with the school to address the implications of the lower than expected intake on the school's budget over the next few years in the context of falling demand for school places across St Albans. It said, "Reducing the school's PAN from September 2022 allows the school a greater potential budget carry-forward in future years" and "Reducing the PAN will enable the school to continue to manage its staffing and classroom structure and stabilise its financial position."

12. I asked the local authority how the school was intending to organise the children it would have on roll in September 2021. I was told that the school would be organising its classes as shown in the table below.

Year	R	1	2	3	4	5	6	Total
Number of children	68	78	86	77	89	87	88	573
Number of classes	3	3	3	3	3	3	3	21

13. There is still some uncertainty about the number of children who may join Year R in September, but the school has decided to establish three classes for them. The school could have chosen to establish two Year R classes and to teach some Year R children alongside Year 1 children but has not done so. I can understand that the school would be reluctant to combine children in the foundation stage with those at Key Stage 1, but this is a step required in some schools where the number of children does not generate sufficient funding for year groups to be taught in separate classes. Changing the PAN in 2022 will not address the cost the school has chosen to take on of establishing three small Year R classes in September 2021.

14. The local authority expects the number of children requiring Year R places in 2022 across St Albans to be almost the same as in 2021. Unless there is a shift in the pattern of parental preference, then the school could expect a similar level of demand for places in

2022. If I do not approve this proposal and the PAN remains at 90 then the number of children on roll could be expected to be as shown below.

Year	R	1	2	3	4	5	6	Total
Number of children	68	68	78	86	77	89	87	553

15. In this scenario, the total number on roll on which the school is funded falls by 20 from the September 2021 figure making it more difficult for the school to afford the same number of staff. There would be scope here to combine the 146 children in Year 1 and Year 2 into five classes and remain within the requirements of class size legislation and achieve some economies. However, it would now become necessary to employ three teachers for the Year R pupils as there would not be space for all of those above the 60 limit for two Year R classes to be taught alongside older children.

16. If I did approve this proposal, then in addition to combining the Year 1 and Year 2 classes, the school would only need to set up two Year R classes in September 2022, enabling further economies by having seven infant classes rather than the current nine as shown below.

Year	R	1	2	3	4	5	6	Total
Number of children	60	68	78	86	77	89	87	545
Number of Classes	2	5	3	3	3	3	3	19

17. If the local authority decided to keep the PAN at 60 in 2023, then the number of infants would (unless any children left) be 188 and so without putting some Year 2 children in with Year 3 classes, there would still be a need for seven infant classes. Further savings could be made in future years.

18. It is for the school's governing board and headteacher to decide how to organise its classes, but my analysis above shows there is scope for economies to be made if the PAN is not reduced. However, these economies could be greater if I agree the reduction of the PAN for 2022. I am satisfied that the proposal is to the benefit of the school and the children on roll at it and will now consider how the proposal would affect the supply of places across the city and parental preference.

19. The school is in a planning area called St Albans North West. There is just one other primary school in the planning area. The PAN at that school (which is now expecting just 6 new pupils in September and has written in support of the proposal) has recently been reduced from 60 to 30 so there are currently 120 places available for September 2022. The local authority provided the following forecast of the number of places needed in the

planning area to which I had added the number offered places at the two schools in recent years.

Year	2020-21	2021-22	2022-23	2023-24
Forecast Demand	102	96	103	86
Places offered	88	70	-	-

20. The local authority explained that allocations in this planning area were lower than forecast because capacity in neighbouring areas had been increased and 44 per cent of children in this planning area can be offered places at other schools in line with their parents' preferences.

21. With only two schools in the planning area and the quoted level of movement from it, I asked the local authority for information about the wider demand for places in the city. Details about the closest planning areas to the school (but excluding the planning area in which the school itself is located) are shown in the following table.

Planning area	Number of schools	Forecast	Forecast
		Demand 2021	Demand 2022
North East	4	230	218
Central	5	286	299
West	2	47	50
Total	11	563	567

22. These 11 schools will be offering 615 places for September 2021 and will do the same in 2022. There is also a similar forecast demand for those places in both years. If I approve the proposed reduction, then it would appear that there would be sufficient places at the two schools in the planning area and in the 11 schools in the neighbouring planning areas for the forecast need. Across the whole city there are 1185 places available for an expected 1067 children in 2022; in 2021 1068 children were expected. I am satisfied that reducing the PAN will leave sufficient places in the planning area, neighbouring planning areas and the city as a whole.

23. The local authority has modelled the effect of having a lower PAN on parental preference by considering what the outcome of the 2021 allocations would have been if the PAN had been 60 rather than 90. The initial offer was to 70 children; the 10 who would not

have been offered a place would all have offered a place at another school in the city nearer to their homes. However, 6 of these children would have been denied their first preference school and two of those could not have been offered their second preference either. Two other children would also have been offered places at less preferred schools while the number who could not be placed at any preferred school would have increased from two to four.

24. From this modelling I conclude that reducing the PAN to 60 is likely to mean that a small number of children will not be offered their parents' first choice of school. One parent of existing pupils wrote in support of the proposal and this leads to my final area of consideration, the longer-term implications of approving this variation.

25. Normally making changes to admission arrangements, including reducing a PAN requires prior consultation as set out in the Code. In comparison, the variation process was designed for emergencies such as a building failure which make the implementation of admission arrangements impossible. In such situations, decisions may need to be taken quickly without the time to consult everyone with an interest. Hence the lesser requirement in the variation process to notify some bodies of the proposed variation rather than consult the full list of people in paragraph 1.44 of the Code. I am particularly concerned for consultation with "parents of children between the ages of two and eighteen" when it has been established by the local authority's modelling that parental preference could be affected adversely by the proposed change. Parents whose children are not yet at the school may have a view as well as those who have children there already.

26. Paragraphs 1.3 and 3.3 of the Code are relevant here.

"1.3 Own admission authorities are not required to consult on their PAN where they propose either to increase or keep the same PAN¹². For a community or voluntary controlled school, the local authority (as admission authority) **must** consult at least the governing body of the school where it proposes either to increase or keep the same PAN. All admission authorities **must** consult in accordance with paragraph 1.42 below where they propose a decrease to the PAN. Community and voluntary controlled schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish. There is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator must have regard when considering any such objection."

And

"3.3 Any person or body who considers that any maintained school or Academy's arrangements are unlawful, or not in compliance with the Code or relevant law relating to admissions, can make an objection to the Schools Adjudicator. The following types of objections cannot be brought ... c) objections about a decision by the admission authority of a voluntary controlled or community school to increase or

keep the same PAN, unless the objection is brought by the governing body of the school.”

27. These paragraphs mean that if I set the PAN for 2022 at 60 then not only will that change the PAN for 2022, it will also mean that the local authority would not need to consult anyone apart from the governing board if it decided to keep the PAN at 60 in 2023 or thereafter and parents who may no longer be able to get their first or other preference will not have been consulted on the PAN being reduced and will not be able to object.

28. In the circumstances of this case, I have formed the view that the benefits to the school and children already in it from reducing the PAN outweigh these concerns. Furthermore, because as this is a community school, the local authority sets the PAN and a parent who was not happy with a PAN of 60 in 2023 would be able to approach their councillor to get their views considered.

29. For the reasons set out above I have decided to approve the proposed reduction in the PAN from 90 to 60 for September 2022.

Determination

30. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Hertfordshire County Council for Garden Fields Junior Mixed and Infant School for September 2022.

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

Dated: 23 June 2021

Signed:

Schools Adjudicator: Phil Whiffing