



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2146

Admission authority: Southampton City Council for St Mary's Church of England Voluntary Controlled Primary School in Southampton

Date of decision: 28 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 Southampton City Council for St Mary's Church of England Voluntary Controlled Primary School for September 2021.

I determine that the published admission number will be 60.

The referral

1. Southampton City Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 for St Mary's Church of England Voluntary Controlled Primary School (the school) to the adjudicator. The school is a voluntary controlled school for children aged three to eleven in Southampton.
2. The proposed variation is that the published admission number (PAN) is reduced from 90 to 60.

Jurisdiction and procedure

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

5. The information I have considered in reaching my decision includes:

- a. the referral from the local authority provided 7 June 2021, supporting documents and further information provided at my request;
- b. the determined arrangements for 2021 and the proposed variation to those arrangements;
- c. confirmation that the governing board for the school has been consulted;
- d. a map showing the location of the school and other relevant schools;
- e. confirmation that the appropriate bodies have been notified of the proposed variation; and
- f. information available on the websites of the local authority and the Department for Education.

6. I am satisfied that the correct procedures have been followed and I am also satisfied that the proposed variation is within my jurisdiction.

The proposed variation

7. The proposed variation is that the PAN for the school is reduced from 90 to 60 for admissions to YR in 2021. 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.

Consideration of proposed variation

8. The local authority explained that its analysis of future pupil numbers forecast a reduction in the number of children seeking entry to reception year (YR) across its area. Against that background, the local authority consulted on reducing the PAN for the school for admission in 2022 at a number of primary schools in its area. For this school the local authority consulted on reducing the PAN from 90 to 60 and following the consultation set the PAN for the school for 2022 at 60. On national offer day for admissions in 2021, 58 children were allocated places in YR at the school leaving 32 vacant places. The local authority has requested that the PAN be reduced to 60 for 2021 so that there are fewer surplus places at the school and across the city and to allow “the school to have a more

predictable intake and to staff and budget for this accordingly.” I note that according to the Department for Education website, ‘Find and compare schools’, there are six schools admitting children to YR within one mile of the school.

9. The PAN for the school for 2022 has already been set at 60 and so the only year of admission to be affected by the proposed variation is 2021. My consideration is therefore for 2021 only. 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 90 to 60 for September 2021. I have also 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 15 schools admitting children to YR in its planning area. Table 1 below summarises the number of children admitted to these schools in recent years and the allocations made for 2021.

Table 1: number of places in the planning area and the number of children admitted or allocated a place

	2019	2020	2021
Sum of the PANs of the schools in the planning area	915	855	915
Number of children admitted or allocated a place in YR	863	778	844
Number of vacant places	52	77	71
Number of vacant places as a percentage	6%	9%	8%

11. Table 1 shows the sum of the PANs for the planning area decreased by 60 from 2019 for 2020. The information provided by the local authority shows that the PANs for two schools were reduced by 30 for admissions in 2020. For admissions in 2021 the PAN for another school was increased by 60 so the sum of the PANs for 2019 and 2021 are the same.

12. The local authority said in its request for the variation that there have been uncertainties in terms of forecasting which is why it had not sought to reduce the PAN for the school for 2021. If, at this point, after all allocations for 2021 have been made, the PAN for the school were to be reduced by 30 then the number of vacant places in the planning area would be reduced to 41. This figure would mean that the number of vacant places would be five per cent of the whole so I am assured that if the PAN for the school were reduced to 60 then there would be sufficient places in the planning area for any child requiring a place from this point on.

Table 2: number of children admitted to the school or allocated a place at the school for 2021

	2019	2020	2021
PAN	90	90	90
Number of children admitted or allocated a place	75	69	58
Number of vacant places	15	21	32

13. Table 2 shows a reducing number of children being admitted to the school from 2019. This will affect the school's class organisation and funding as schools are largely funded based on the number of children admitted. Children in YR are infants as infant classes are those where the majority of children will reach the age of 5, 6 or 7 during the school year. The School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) require that infant classes must not contain more than 30 pupils with a single qualified school teacher except in specific circumstances. It is advantageous, where schools seek to teach in classes all from one year group, for the number of children in each year group to be either a multiple of 30 or close to that number.

14. For admissions in 2021, with 58 children allocated places, the school could establish two YR classes of 29 children each. This would be a very cost effective model. However, if the PAN remains at 90 then the local authority may have to admit more children to the school so the numbers could go over 60 at any point in the coming school year, say to 61. One option for the governing board, if this were to occur, would be to establish a third class so that there were three classes of just over 20 children. This would be an expensive option and disruptive in terms of class organisation. An alternative option would be for some YR children to join Year 1 classes. This option would be cost effective but it could be disruptive to teaching and learning. In either case the number of children could still increase or decrease over the year leading to more changes being needed which could make it challenging for the school to provide economic and efficient learning.

15. If the PAN for the school were 60 then the school could plan for two classes of up to 30 children. This would be advantageous in terms of class organisation, financial efficiency and creating stable classes which are beneficial for teaching and learning. I have established that fewer than 60 children have been allocated places at the school for 2021 and there would be additional places available in the area if more children required a place after allocations. As there is little likelihood of parental preference being frustrated and it would be advantageous to all concerned that the PAN is set at 60, I find that the variation is justified by the circumstances and approve the proposed variation.

Consideration of the arrangements

16. This determination concerns solely the variation to the PAN for this particular school. As it happens, an objection has also been made to the admission arrangements of other primary schools in Southampton for which the local authority is the admission authority.

With the exception of the PAN, which is specific to each school, and the oversubscription criteria relating to attendance at worship for schools with a religious character, the arrangements for all of these schools are the same. The case reference is ADA3802. As I am considering the arrangements in full in that case, I have not considered the arrangements for St Mary's here. Nothing in this determination should, therefore, be taken as indicating that the arrangements do or do not conform with the requirements relating to admissions and the findings in ADA3802 will apply to St Mary's as to other primary schools for which Southampton City Council is the admission authority.

Determination

17. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Southampton City Council for St Mary's Church of England Voluntary Controlled Primary School for September 2021.

18. I determine that the published admission number will be 60.

Dated: 28 June 2021

Signed:

Schools adjudicator: Deborah Pritchard