



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2150

Admission authority: Brighton and Hove City Council for Balfour Primary School

Date of decision: 1 July 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 Brighton and Hove City Council for Balfour Primary School for September 2021.

I determine that the published admission number for 2021 will be 90.

The referral

1. Brighton and Hove City Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 for Balfour Primary School (the school) to the adjudicator. The school is a community school for children aged four to eleven in Brighton.
2. The proposed variation is that the published admission number (PAN) is reduced from 120 to 90.

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

- a. the referral from the local authority dated 14 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. a map showing the location of the school and other relevant schools; and
- d. information available on the websites of the local authority and the Department for Education.

5. Paragraph 3.6 of the Code requires that the appropriate bodies in the relevant area be notified of a proposed variation. The local authority has provided me with confirmation that the appropriate bodies have been notified. I have seen confirmation from the school’s governing board that it has been consulted on the proposed variation. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variation is within my jurisdiction.

The proposed variation

6. The proposed variation is that the PAN is reduced from 120 to 90 for admissions in 2021.

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

Consideration of proposed variation

8. The local authority consulted on reducing the PAN from 120 to 90 for 2022 and following the consultation set the PAN for the school at 90. As the PAN for the school is already set at 90 for 2022, 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 120 to 90 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.

9. 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 11 schools admitting children to reception year (YR) year in its planning area, which is known as the Central City Planning Area (the planning area). Table 1 below summarises the number of children admitted to these schools in recent years and the forecast of future demand.

Table 1: number of children admitted to YR in schools in the planning area in recent years

	2019	2020	2021
Sum of PANs of schools in the planning area	660	630	630
Number of children admitted or allocated a place	613	567	535
Vacant places	47	63	95
Number of vacant places as a percentage	7%	10%	15%

10. Table 1 shows that the number of places available has reduced slightly since 2019 but the number of vacant places in 2021 has nearly doubled since 2019. After allocations have been made for 2021, 15 per cent of all places are vacant which is a high proportion. I note that the Department for Education website, 'Find and compare schools in England', shows eight schools admitting children to YR within one mile of the school. Based on the information available to me I therefore consider that if the PAN for the school were reduced to 90 for 2021 then there would be sufficient places for children moving into the area.

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

	2019	2020	2021
PAN	120	120	120
Number of children	109	98	85
Vacant places	11	22	35

11. Table 2 shows the number of children admitted to or allocated a place at the school has reduced since 2019. As there are 35 vacant places for 2021 after allocations have been made, if the PAN were reduced by 30 to 90 for 2021 then, based on the data available, that there would still be five vacant places in YR at the school.

12. The local authority said that the proposed variation, "will allow the school to have some financial certainty over staffing without the potential need to employ an additional teacher to comply with class size legislation should further pupils apply." The school has kindly provided me with information on its class organisation and the number of pupils in its classes and I consider this below.

13. 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. For example, in 2019 there were 109 children admitted to the school and their year group, now Y1, has increased to 111 children. These children are taught in four groups varying in size between 27 to 29 children. This is an economically efficient model.

14. There are 93 children in the current YR (admitted in 2020) taught in four classes of between 22 and 24 children. This is a more expensive model than that for the current Y1. For 2021, 85 children have been allocated places and they could be taught in three class groups of around 28 each, again this would be a financially efficient model. However, if the PAN remained at 120 then more children would need to be admitted up to that PAN if applications for places were made. This is because it is not possible lawfully to refuse a place in a normal year of entry below PAN. There are very few exceptions to this requirement, none of which is relevant here. If the number of pupils in YR rose to, for example, 91, then the school would have to adjust its class structure accordingly. This could be by having a fourth class so that there were around 23 children each, which would be an expensive model. 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 90 then the school could plan for three 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 90 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 90, I find that the variation is justified by the circumstances and approve the proposed variation.

Consideration of the arrangements

16. When considering this objection, I noted that there was a way in which the arrangements did not conform with the Code. However, I have considered this matter in another determination regarding the admission arrangements for another school for which the local authority is the admission authority (case reference ADA3758). Therefore, I have decided not to duplicate consideration of this matter here.

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 Balfour Primary School for September 2021.

18. I determine that the published admission number for 2021 will be 90.

Dated: 1 July 2021

Signed:

Schools adjudicator: Deborah Pritchard