



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: VAR698

Admission Authority: Warwickshire County Council for Emscote Infant School

Date of decision: 22 February 2017

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Warwickshire County Council for Emscote Infant School for September 2017.

I determine that for admissions in September 2017 the published admission number shall be 60.

The referral

1. Warwickshire County Council, which is the local authority and admission authority for Emscote Infant School (the school), has referred a variation to the Adjudicator concerning the admission arrangements for the school, a community school for pupils aged 4-7 years, for September 2017. The variation requested is to reduce the published admission number (PAN) of the school from 80 to 60 as the numbers of pupil places required for the area has reduced; the school is undersubscribed and wishes to reorganise its staffing structure so that its budget is not in deficit.

Jurisdiction

2. 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]e authority must [except in a case where the authority’s proposed variations fall within any description of variation prescribed] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations.”

I am satisfied that the proposed variation is within my jurisdiction.

Procedure

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

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

- a. the local authority's form of referral of 6 January 2017 and supporting documents;
- b. the determined arrangements for September 2017 and the proposed variation to those arrangements;
- c. a copy of the local authority's composite prospectus for parents seeking admission to schools in the area in September 2017;
- d. correspondence from the school;
- e. a copy of the notice informing the appropriate bodies about the proposed variation; and
- f. further information from the local authority, received 13 February.

Background and consideration of factors

5. The school is in Warwick and is part of a hard federation with a voluntary controlled school, All Saints Junior School (All Saints). The school was expanded in 2014 to meet demand for places as was a primary school in the area, Coten End Primary School (Coten End). The local authority reports that Coten End is a very popular school and some pupils in the Emscote priority area are attending Coten End. The majority of children from the school join All Saints at Year 3; six further places are provided for Year 3 at Coten End. The local authority intends to consult on reducing the PAN for the school for 2018 to 60 and on reducing the PAN for All Saints from 75 to 60. The local authority is of the view that local children will be able to be accommodated at Coten End and Emscote in September 2017 if the Coten End PAN is reduced.

6. The local authority determined the admission arrangements for September 2017 on 26 January 2016. At this time a PAN of 80 was determined for the school. However, when the local authority's School Place Planning team and Admission Service met in the Autumn term it was "*decided that the need in the local area would be met with a decrease in Emscote Infant PAN from 80 to 60*".

7. In the same term, the governing body of the school approached the local authority to raise its concerns about the school's financial situation. The projected number of pupils would not generate sufficient funds to pay for the staffing structure at present in place. On 14 December 2016, the representatives of the local authority and of the school met and agreed the request to reduce the PAN was the most appropriate action as it would enable the school to restructure from eight classes to six (that is, two in each year group). The local authority has reported there was no response from any of the parties notified of the request.

8. This request for a variation was made late in the academic year and the supporting documentation was provided to me after January 15 2017, which is the closing date for applications for reception places for September 2017. I have asked the local authority how many parents had expressed a preference for the school and am informed that as first preference there were 43 applications, for second preference there were 34 applications and for third preference there were 19 applications. I further asked if any parent who had expressed a preference for the school would not get a school of their preference if the request for variation was agreed and the local authority officer has responded as follows: *“I have looked at all 111 preferences for Emscote Infant School, and considered each preference made by parent/carer. I believe the allocation to be made for Emscote Infant School will be 57 places. Within this there are 11 children who may get a higher preference, but I have assumed at this stage they would get Emscote Infant School as a lower preference.”*

9. The school has been undersubscribed for the last two years. Demand for pupil places has reduced so the local authority considers that this fall in numbers of pupils seeking admission to the school constitutes a major change in circumstance requiring a variation. It and the school is concerned that the school will not be able to fund the staffing required for a PAN of 80. The school has provided information to show there will be a deficit of approximately £20,000 for 2017/18 if it must employ staffing for more than the two reception classes that a PAN of 60 requires.

10. I consider that the reduction in the PAN from 80 to 60 is an appropriate response to the circumstances in which the school finds itself. A PAN of 60 for September 2017 will enable the school to plan for staffing to proceed without concern that additional staff will need to be employed if more than 60 pupils are admitted. I find that the appropriate procedures were followed and that the relevant parties were notified. I am satisfied that the proposed variation addresses the circumstances described.

Conclusion

11. The school is facing a number of financial pressures and I consider it appropriate to reduce the PAN for September 2017 to 60. I therefore approve the requested variation.

Determination

12. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Warwickshire County Council for Emscote Infant School for September 2017.

13. I determine that for admissions in September 2017 the published admission number shall be 60.

Dated: 22 February 2017

Signed:

Schools Adjudicator: Miss Jill Pullen