



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: VAR699
Admission Authority: Essex County Council
Date of decision: 25 January 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 Essex County Council for Maldon Primary School.

I determine that for admissions in September 2017 the admission number shall be 30.

The referral

1. Essex County Council, (the local authority) has referred a variation to the adjudicator about the admission arrangements (the arrangements) for Maldon Primary School (the school), Maldon, Essex, a community primary school for pupils aged 4 to 11 years, for September 2017.
2. The request is that the admission number for September 2017 should be reduced from 45 to 30.

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 LA's letter of referral of 9 January 2017;
 - b) the request for an in-year variation form dated 9 January 2017;
 - c) the determined arrangements for the LA's community and voluntary controlled primary schools for admission in September 2017;
 - d) minutes of the school's governing body meeting at which the request for a variation was agreed;
 - e) a copy of a letter sent to appropriate bodies; and
 - f) the report of the meeting at which the admission arrangements were determined.

Background and consideration of factors

7. The school is a community primary school for 4 to 11 year olds. The local authority is the admission authority and therefore determines the arrangements for the school. The arrangements for admission in September 2017 were determined at a meeting of Essex County Council on 8 February 2016 and published on the county council's website. The determined arrangements for the school show a Published Admission Number (PAN) of 45.
8. The variation request states that the school has been identified as requiring intervention and an academy order was issued by the Department for Education (DfE). It further reports that the standards in the school are unacceptably low. The school was due to convert to an academy in the autumn term of 2016. The agreed sponsor has withdrawn and the DfE is reviewing alternate options. The local authority states that the sponsor withdrew in light of financial issues including the declining pupil roll and the poor fabric of the buildings and its assets.
9. The local authority intends that the school will become a one form entry school and is currently consulting on this for admissions in September 2018 with a proposal that the PAN will be reduced to 30. This reduction will allow the school to effectively plan its resources so that the financial situation is stabilised and another sponsor can be sought.
10. In a report to the governing body on 6 December 2016 the Chair of the Interim Executive Board (IEB) explained that the school had suffered as a consequence of the sponsor withdrawing and that one of the issues had been the financial risk of a declining roll and the difficulties of staffing a school where cohort numbers were between 29 and 42. She suggested that, in order to plan staffing appropriately, the school needed the predictability and stability

of numbers going forward. She explained that the difficulties faced by the school in financial terms in the last two years had been well documented and reminded governors that a redundancy programme had been introduced as the roll declined. She reported that the school will continue to face budget problems if the school has to carry a large number of vacancies and yet employ staff in case pupils are admitted in-year. She said that the IEB were anxious to move to single age classes. She reported that the projected pupil numbers for admission in September 2017 were 30 or fewer and that there were places available at nearby schools. She emphasised that regardless of the issue of joining a multi-academy trust the school needs to be financially sustainable. The governing body agreed at this meeting to support the local authority's consultation on the reduction in PAN for 2018/19 and an application for a variation to reduce the PAN to 30 for 2017/18.

11. The local authority and the school seek to reduce the PAN for admission in September 2017 from 45 to 30. This will provide the opportunity to plan financially for the reduced number. In September 2016 29 pupils were admitted to Reception (YR); 23 of these had placed the school as the first preference on the application. The latest information concerning 2017 admissions show that there are only 13 first preferences, 3 second, 10 third and 6 fourth preferences. It is unlikely that all these pupils will be offered a place at the school and this would leave up to 15 places unfilled. These places may be required as in-year admissions and therefore the school would be required to plan accommodation and staffing for this. This has been the case this year when a reception class teacher was employed to meet the predicted number of admissions and then was not required as the number admitted was fewer.

12. The local authority and the school report that a one form entry school would allow better use of internal and external spaces at the school, would promote the much needed revision of the curriculum and would allow single age classes. Their view is that these changes would promote school improvement and would put the school in a better position to seek sponsorship for academy status.

13. The local authority has confirmed that there is adequate provision for projected numbers in other schools in the area. The local authority has informed all admission authorities and governing bodies in the local area as required to do by paragraph 3.6 and 3.7 of the Code which state that; *“Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified. Where the local authority is the admission authority for a community or voluntary controlled school, it **must** consult the governing body of the school before make any reference. A variation to increase a school’s PAN is not required to be referred to the Schools Adjudicator”* and *“Admission authorities **must** notify the appropriate bodies of all variations and must display a copy of the full varied admission*

arrangements on their website until they are replaced by different admission arrangements.” I am content that the local authority has complied with the Code in all respects. No further comments were received with regards this request for a variation.

14. In view of the previous instability in funding and the projected numbers for admissions I agree that a PAN of over 30 would mean that any child admitted in-year would necessitate the employment of another teacher and this would exacerbate the current financial issues. A PAN of 30 would provide the opportunity to stabilise the finances and allow single age classes which will support the school’s drive for improvement. It is likely that, following consultation, the PAN will be set at 30 for admission in 2018. As the local authority has made assurance that the loss of places will not result in the lack of preference for families in the area and that there are other local schools which have places available, I am agreeing this application for a variation to reduce the PAN to 30 for admissions in September 2017.

Conclusion

15. I agree with the local authority and the school that the withdrawal of the sponsor who was to support academy status for the school constitutes a major change in circumstances. I conclude that the variation which the council has requested is necessary to support the effective running of the school, the stabilisation of the finances and the provision of a one form entry, single age class. It is necessary to reduce the PAN to 30 in order to effectively plan for the future.

Determination

16. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Essex County Council for Maldon Primary School.

17. I determine that for admissions in September 2017 the admission number shall be 30.

Dated: 25 January 2017

Signed:

Schools Adjudicator: Mrs Ann Talboys