



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: VAR793

Admission Authority: Milton Keynes Council for Loughton Manor First School, Milton Keynes

Date of decision: 29 November 2018

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Milton Keynes Council for Loughton Manor First School, Milton Keynes.

I determine that for admissions in September 2019 the published admission number shall be 60.

The referral

1. Milton Keynes Council, as the local authority, has referred a variation to the Adjudicator about the admission arrangements for Loughton Manor First School (the school), a community school for September 2019. The variation requested is a reduction in the school's published admission number (PAN) to reflect a fall in the projected pupil numbers in the area for September 2019.

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 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".

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:
 - the referral form from the local authority dated 15 October 2018 and supporting documents;
 - the determined arrangements for September 2019 and the proposed variation to those arrangements;
 - a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2019;
 - confirmation from the headteacher and chair of governors that the governing board is in agreement with the proposed variation;
 - a map showing the location of the school and other relevant schools;
 - a map showing the catchment area of the school; and
 - a copy of the email notifying the appropriate bodies about the proposed variation.

The proposed variation

5. The school is a community first school for pupils aged three to seven years maintained by Milton Keynes Council. It is a mixed school situated in the south west area of Milton Keynes. The local authority is seeking the approval of the adjudicator to reduce the school's PAN for Reception (Year R) from 90 places to 60 for admission to the school in September 2019.

Consideration of the case

6. In January 2018 the local authority determined its admission arrangements for the 2019/20 academic year, including the PAN for each community and voluntary controlled school in Milton Keynes. As above, this included the PAN for Loughton Manor First School, which was set at 90.
7. The local authority reports that it has become apparent, since the PAN was determined, that it is greater than the anticipated demand for places in this area. As a result of this, the local authority is forecasting a high number of vacancies for children who are due to start school for the first time. The local authority says that, on national offer day in April

2018 the school had been allocated 90 children to take up a place in September 2018, however it became apparent that there were 1059 vacancies for Year R places across Milton Keynes for children starting school in September 2018. As a result, the local authority says that it is working in partnership with schools to ensure that the surplus places projected for future years are reduced so that there are no adverse effects on schools' budgets and staffing requirements.

8. The local authority states that projections show that in 2019 there will be around 28 children who will be living within the catchment area of the school who will require a Year R school place. In addition to this, it is projected that there will be a considerable surplus of places across the wider school place planning area. The local authority considers that this will have an adverse effect on the school budget and staffing requirements. It is for this reason that the local authority is seeking approval for a PAN reduction.
9. The school is part of a group of schools situated in what is known as the Denbigh Liaison Area. The group comprises primary and secondary schools and includes Ashbrook School, Two Mile Ash School, Loughton School, Glastonbury Thorn School, Caroline Haslett School and Loughton Manor First School. The number of places available for September 2019 across this group of schools is 330, whereas the number of places required is 212 resulting in a projected surplus of places for schools in this group of 118. The local authority has also produced figures showing that there are 810 Year R places available in the South West planning area in which the school is situated, whereas the number of places required is 560 resulting in a projected surplus of 250 places across this area. For admission to Year R in September 2019, there are 4242 places available across Milton Keynes, whereas only 3679 places are required, leaving a projected surplus of 563 places in the local authority area as a whole.
10. The Office of the Schools Adjudicator (OSA) wrote to the local authority and the school on 30 October 2018 to ask why this projected surplus was not foreseen in January 2018 when the PAN for the school was set, and what major change of circumstances had caused the projected surplus. The local authority explained that the approximate Year R cohort number is generally known three years prior to when they start school. Milton Keynes experienced a drop of 246 births in 2013, after which the birth rate levelled out for the next two years before dropping by a further 170 (approximately) in 2016.
11. The local authority says it has been working with a number of schools to reduce PANs where appropriate through the admission arrangements consultations. In relation to this particular school, the authority had previously anticipated that new housing was to be built between 2018 and 2020 in the area of the Denbigh Liaison Group. It was not known in 2017, when the consultation on the 2019 admission arrangements took place, whether the drop in birth rates was an anomaly or long term trend, nor that the Daubeney Gate housing development site (earmarked for 90 houses) would not be built until

much later. Current forecasts are now that this development will reach first occupations in 2021. This clearly means that any shortfall in the number of applications to the school for admission in September 2019 caused by declining birth rates (which now seem set to continue) will not be offset by any increase in applications from families moving into the new local housing development.

12. The local authority now considers that the projected birth data figures show that the authority will be able to provide sufficient Year R places at the school in September 2020 for any projected increase even with a reduction of the school's PAN from 90 to 60. The local authority has informed me that a reduction in the PAN for admission to the school in September 2020 will be consulted upon as part of its consultation on the authority's 2020 admission arrangements, and that the consultation is due to commence in November 2018.
13. The local authority has said that the school governing body has been consulted about the variation requested and is "*fully in support of the proposals*". It was confirmed by the school on 14 November 2018 that the decision to reduce the school's PAN to 60 was unanimously agreed by the full governing board at a meeting on 24 September 2018, and that the local authority has fully discussed and consulted with the school throughout the decision-making process.
14. The OSA letter to the local authority and the school dated 30 October 2018 requested further information about what the specific difficulties would be for the school in retaining its existing PAN, and how the proposed PAN reduction would address these difficulties. The authority's response was that a reduction of the PAN from 90 to 60 would "*ensure economic stability across the whole school whilst also reducing the overall borough surplus*". This response does not address the question of what specific difficulties there would be for the school - indeed this is really a matter for the school to explain. However, the school indicated that it has no comment to make in addition to the information provided by the local authority. As a result, the only information I have on this point is from the local authority.
15. The OSA letter of 30 October 2018 also asked why the request had not been for a PAN reduction to 30, given that the projected number of admissions to the school in September 2019 is around 28 children. I can understand the financial benefits of seeking to reduce the school's PAN to 30. In light of the level of reduction in demand for places predicted by the local authority, a reduction in PAN to 30 for September 2019 would be advantageous for the school as it would then not face the possibility of having to operate two classes and employing two qualified teachers in the reception year. The Regulations on infant class sizes require that no more than 30 infant children can be taught by one teacher, subject to certain limited exemptions.
16. With a PAN of 60, if the local authority's predicted numbers are slightly lower than the actual number of applications to the school, the school would face the possibility of having to budget for two classes of 30

children, but only admitting (say) 32 pupils. Even if the local authority's predicted figure is accurate, there still exists the possibility of in-year applications. The school could start the year with one class of 28 children but end up in the position of having to accept three or more in-year applications from applicants moving into the area or moving from other schools. With a PAN of 60, the school would then be required to admit these children, and to establish a second class.

17. In answer to the question of why the local authority has not applied for a PAN reduction to 30, the authority has said that currently Loughton Manor First School and Glastonbury Thorn School (PAN 60) feed into Loughton Junior School (PAN 120). *"A reduction of Loughton Manor First School PAN to 60 would provide a joined up infant/junior transition in the area. This would prevent the current situation whereby all children attending the feeder schools cannot access a place at the junior school if they so wish"*. The local authority has also said that the school also feels that a reduction in PAN to 2 forms of entry *"would allow more space to be dedicated towards working with SEND children. At present there are no dedicated break-out areas where children with these needs can go to in order to receive support work"*.
18. When considering whether to approve a proposed PAN reduction, an adjudicator must reach a conclusion as to whether the major change in circumstances occurring after the determination of the arrangements and identified by the admission authority justifies the proposed variation. I have considered this point and concluded that the projected fall in the number of applications for admission in September 2019 which was not predicted accurately when the admission arrangements for the school were determined and the PAN set does justify the proposed variation.
19. I am satisfied that the appropriate bodies have been notified of the proposed variation. None has responded, and so it does appear that there are no objections to the proposed PAN reduction from these bodies. In light of the figures provided by the local authority, I cannot see that any of these bodies would be adversely affected by the school having its PAN reduced to 60. On the basis of these figures, it also appears highly likely that there will be sufficient unfilled places in the local area to ensure that children who require a school place can be allocated one within a reasonable distance of their home.
20. Ordinarily, when considering an application for approval of a PAN reduction, an adjudicator will also consider whether the PAN reduction proposed will address the problems arising from the unforeseen change of circumstances. From the information before me, I can see that a PAN reduction to 60 would ensure that the total PANs for Loughton Manor First School and Glastonbury Thorn School would be equal to the PAN of Loughton Junior School, so parents of children at the infant schools would be assured that all of them could have places at the junior school should they so wish. I can also see that the proposed PAN reduction for this school will reduce the number of surplus places in the local authority area as a whole.

21. I fail to see how a PAN reduction to 60 will address problems for the school arising from the major change in circumstances. In the absence of any information from the school on this point, I cannot see that it will do this. On the basis of the projected fall in admission numbers, the school would not need a reduction in PAN in order to obviate the need to budget for 3 classes. In light of a projected admission number of 28, the question for the school would be whether it should budget for one class of 30 or two. I did therefore consider whether I should modify the proposal to approve a PAN reduction to 30.
22. In considering this point, I was mindful that there is no indication that the school would wish the PAN to be reduced to 30. I was also mindful that the school is rated as outstanding by Ofsted. For admissions to the school in 2015, 2016, 2017 and 2018, 90 places were allocated in each of these years. The local authority says that the school remains a popular choice. It is simply the fall in birth numbers which has led to the projected fall in the number of applications. A reduction in the school's PAN from 90 to 60 will mean more places available for pupils at an outstanding school than a reduction in PAN to 30. As above, if the number of applications to the school exceeds the local authority's projected figure of 28, or if the number of in-year admissions means that more than 30 children apply, all of the applicants will have to be offered a place. Perhaps the school is content to budget for two classes, or the possibility of two classes. In any event, it would seem reasonable for me to approve an application to reduce a PAN of 90 to 60 where the projected number of places required is 28. I therefore approve the variation requested.

Summary

23. The local authority has identified a major change in circumstances which has arisen since the PAN for the school was set, therefore the grounds in section 88E of the Act for proposing a variation are met. It appears highly likely that there will be sufficient unfilled places in the local area to ensure that children who require a school place can be allocated one within a reasonable distance of their home. As a result of the projected fall in the number of applications to the school, there is only likely to be a demand for around 28 places at the school in September 2019. A reduction in the PAN 90 to 60 will allow the school to operate with one or two classes in the reception year, avoiding the need to have three classes. For these reasons I approve the variation requested.

Determination

24. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Milton Keynes Council for Loughton Manor First School, Milton Keynes.

I determine that for admissions in September 2019 the published admission number shall be 60.

Dated: 29 November 2018

Signed:

Schools Adjudicator: Marisa Vallely