



## **DETERMINATION**

**Case reference:** VAR802  
**Admission Authority:** Cambridgeshire County Council  
**Date of decision:** 9 January 2019

### **Determination**

**In accordance with section 88E of the School Standards and Framework Act 1998, I reject the proposed variation to the admission arrangements determined by Cambridgeshire County Council for The Bellbird School for September 2019.**

### **The referral**

1. Cambridgeshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements for The Bellbird Primary School (Bellbird), for September 2019 to the Office of the Schools Adjudicator. Bellbird is a community school for children aged 4 to 11 in Sawston, Cambridgeshire.
2. The proposed variation is a reduction in the published admission number (PAN) from 60 to 45 from September 2019.

### **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:
  - the referral form submitted by the local authority dated 5 December 2018 and supporting documents;
  - the determined arrangements for 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; and
  - comments received on the proposed variation from the headteacher and Chair of Governors of Bellbird.

## The proposed variation

7. Bellbird is a community primary school maintained by Cambridgeshire County Council. It is situated in Sawston, a village about seven miles from the centre of Cambridge. Historically the school has had a PAN of 45, equating to 1.5 forms of entry. In recent years the local authority, as the admissions authority for the school, has admitted over the PAN, although the number of applications putting the school as first preference has been below that number. The table below sets out the position in recent years:

September	PAN	Number of first preferences	Number of places allocated	Number of appeals lodged	Number of appeals upheld
2015	45	40	55	0	0
2016	45	36	61	0	0
2017	45	37	47	0	0
2018	45	35	[no figure provided]	0	0

8. The number of places forecast by the local authority to be required are set out in the following table:

	Number of places forecast to be required
2019	40-45
2020	40-55
2021	40-55

9. On 23 February 2018 the local authority determined the admission arrangements for community schools in its area, including a number of increases to schools' PANs. An increase to PAN for Bellbird from 45 to 60 was determined. In its application for a variation the local authority explains this increase as follows: *"In recent years the Council has needed to secure additional places in Sawston, through making admissions at the Bellbird. In response to these continued pressures the Council has worked with the school to deliver an expansion of the school building with a view to a permanent increase in PAN from 45 to 60"*. The local authority has commissioned the construction of four additional classrooms at the school to accommodate this expansion. It is my understanding that the new classrooms will be completed and ready for occupation by September 2019, whether or not this variation is approved. I understand Bellbird would on this basis be able to accommodate an intake of 60 pupils in September 2019.
10. Subsequent to determining that increased PAN the local authority decided that it wished to delay the increase for one year, until September 2020. That decision has led to the current application for a variation. The local authority explains this as follows: *"Although the demand for additional places has been demonstrable, this approach has led to the second school in the village, The Ickniel [which I will refer to as Ickniel], operating with significant surplus capacity, approximately 20% across all cohorts. Demographic forecasts for the next 1-3 years show that there is likely to be a slight dip in demand. This is not expected to be sustained however, with significant housing development proposed in the next 3-5 years. It is anticipated that ultimately there will be a need for both schools to operate as 2FE. However, in the interim the Council is aware that the formal increase in PAN at the Bellbird will have a significant and detrimental impact on the budgets and therefore outcomes at The Ickniel"*. Although this statement is included in the application form under the heading *"What major change of circumstance has occurred since the arrangements were determined?"* it does not appear to me that there has been a change of circumstances since the increase in PAN at the school was determined in February 2018.
11. Under the heading on the application form *"What problems have arisen, or are foreseen, as a result of this change in circumstances?"* the local authority state: *"There are significant financial and budget implications for the second school in the village (The Ickniel) as a result of level of surplus capacity, across all cohorts, which have arisen as a result of a combination of over admissions and parental preference."* Although this is not clear I take it to mean that there is a perception that numbers joining Ickniel are low because parents prefer Bellbird (and perhaps other schools in the local area) and because the local authority has admitted numbers to Bellbird (and perhaps other schools in the local area) over PAN in recent years. Over the same period it appears that Ickniel has been admitting below PAN for some years, as it has surplus capacity of about 20 per cent in all cohorts. The requested reduction in PAN is stated to be for one year only *"A reduction in the published admission number for the school from 60 to the previous PAN of 45 for one year from September*

2019”.

## **Consideration of the case**

### **The change in circumstances**

12. As stated above there does not appear to have been any change of circumstances. It may have become more apparent that Icknield faced financial difficulties as a result of its roll being lower than PAN. However, the local authority have stated that the Icknield School has about 20 per cent surplus capacity across all age groups, so the issue must have been apparent for some years. The dip in demographic forecasts for the next one to three years may have come to light more recently but figures derived from births in the area would have been available for pupils entering reception in 2019 for some time. Nevertheless I will consider the reduction in PAN in relation to the issues identified by the local authority.

### **Whether the proposed change would address the issues**

13. The issue is the detrimental effect on admissions to the Icknield school of higher admissions to Bellbird. The only way that the proposed variation would assist Icknield would be if pupils who would otherwise go to Bellbird went to Icknield instead. Presumably this would mean parents who had expressed a preference for the Bellbird school higher than a preference, if any, for Icknield, going to Icknield rather than Bellbird. The figures provided by the local authority show projected demand for Bellbird in 2019 to be 40 to 45 pupils. Although the local authority say that they have problems with the accuracy of data it presumably represents the best information they have, and underpins this application for a variation. If those figures are correct then all applicants seeking a place at Bellbird will get one, whether the PAN is 45 or 60 and a reduction in PAN at Bellbird would have no effect on admissions at Icknield.
14. If, however, there was higher demand than anticipated and a reduced PAN led to some pupils who would otherwise have gone to Bellbird going to Icknield this seems unlikely to address the issues at Icknield. The request is for a reduction in PAN to last for one year only. Icknield, I am told by the local authority, had 20 per cent surplus places across all age groups, an increased intake for one year only would not address this significantly and would seem likely to lead to a bulge going up through the years, a situation which many schools find difficult to manage.
15. Additional places have been required at Bellbird in previous years, as the figures above show. Of future years the local authority say *“There remains certainty that there will be a demand in the longer term for the additional capacity as a result of the housing developments planned within the village”* and *“a delay in increasing the PAN would not prevent the Council working with the schools to respond appropriately, in the short-term, to meet demand for Reception places through planned over-admissions as necessary”*. I accept that a shortage of

places can be addressed by admissions over PAN but note that it is such admissions in recent years that led to the planned expansion of Bellbird and the increased PAN for 2018.

16. For the reasons set out above I do not find the case for a reduction in PAN persuasive. I have also seen two letters sent on behalf of Bellbird, one from the headteacher and one from the Chair of the Governing Board. Both oppose the reduction in PAN for a number of reasons. They say it will make numbers difficult to manage and may have an adverse effect on families with some siblings unable to gain a place. I am not wholly convinced of these arguments. On the figures I have seen it seems unlikely that siblings would not gain a place at Bellbird and the school has been managing awkward numbers for some time. It also seems unlikely that all 60 places would be filled if the PAN remains at 60 for 2019, given the figures for first preferences and actual intake set out above.
17. However, I find more persuasive the point that parents have already been informed at an open day, presumably in the autumn term, (and in the local authority's composite prospectus) that the PAN will be 60 and, at least to some extent, parents will have been considering their preferences on that basis. The closing date for applications is 15 January 2019. The local authority's consultation on the reduction in PAN closed on 6 January 2019. I have not been informed of the outcome of the local authority's consideration of the responses, if any, to that consultation. However, in the interests of allowing certainty for parents at as early a stage in the admissions process as possible, I have decided to proceed to determine this request. In my view parents would be inconvenienced at best, and may be prejudiced at worst, by a reduction in the numbers of places to be made available at Bellbird at this late stage in the admissions process.
18. I do not accept that a reduction in PAN, apparently designed to increase numbers at Icknield by preventing parents from gaining a place at a school of higher preference, is desirable. Parental preference is an important factor in school admissions, and, having determined that the PAN at Bellbird would be 60, it would be unfair if parental preference was, at this late stage, thwarted by a reduction in PAN to 45.

## Consultation

19. The Code in paragraph 1.3 sets out the process for determining a decrease in PAN as follows: "*All admission authorities **must** consult in accordance with paragraph 1.42 below where they propose a decrease to the PAN. Community and voluntary controlled schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish. There is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator **must** have regard when considering any such objection*". The detailed requirements of the consultation are set out in paragraphs 1.42 to 1.44 of the Code. Where, as in this case, a variation is sought after arrangements have been determined, the proposed variation is to be

referred to the Adjudicator. If this variation is approved for September 2019 then the new, lower PAN can be determined in future years without the need to consult, and, as it would not be a reduction of PAN, no objection to it could be brought (except by the governing board). It follows that a lower PAN can be continued as a result of an approved variation. In this way the consultation process required by paragraphs 1.3 and 1.42 to 1.44 would not be followed.

## **Summary**

20. I find that the case for a reduction is not strong. A reduction of PAN by way of an approved variation does not allow for a full consultation under the provisions of the Code. This request for a reduction is based on data the local authority describe as unreliable. The desire to protect Icknield from reductions in numbers entering the school may be well meant but would only be effective if parents who would otherwise choose to send their children to Bellbird were unable to do so as a result of the reduced PAN. In any event on the figures made available to me it seems unlikely that a reduced PAN at Bellbird would significantly increase admissions at Icknield and, even if it did so, it seems unlikely that this increase, if for one year only, would address the problems Icknield faces. In the absence of a compelling reason to reduce the PAN from 60 to 45 I find that it is unfair to do so by way of a request for a variation, and so thwart parental preference, at this stage in the admissions process.

21. Consequently on balance I determine that the request made by the local authority for a reduction in PAN from 60 to 45 is rejected.

## **Determination**

22. In accordance with section 88E of the School Standards and Framework Act 1998, I reject the proposed variation to the admission arrangements determined by Cambridgeshire County Council for the Bellbird School for September 2019.

Dated: 9 January 2019

Signed:

Schools Adjudicator: Tom Brooke