



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR852

**Admission authority:** Milton Keynes Council for Langland Community School, Milton Keynes

**Date of decision:** 29 April 2019

## 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 Milton Keynes Council for Langland Community School for September 2019.

I determine that for September 2019 the published admission number for the school will be 30.

## The referral

1. Milton Keynes Council (the local authority) in its role of admission authority for Langland Community School has referred a proposal for a variation to the admission arrangements for the school for September 2019 to the Office of the Schools Adjudicator. The school is a community school for children aged 3 to 11.
2. The proposed variation is to reduce the published admission number (PAN) from 60 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:

- the referral form from the local authority dated 21 March 2019 and supporting documents;
- the determined arrangements for 2019 and the proposed variation to those arrangements;
- evidence that the governing board of the school has been consulted;
- a map showing the location of the school and other relevant schools;
- a copy of the notification to the appropriate bodies of the proposed variation; and
- the local authority’s responses to my enquiries.

## The proposed variation

7. The school is situated north of the centre of Milton Keynes. The school buildings have the physical capacity for between 378 and 420 children aged 4 to 11, it also provides places for children aged 3 in a nursery. In February 2019 the number of children on roll was 291.

8. On the application form the local authority said *“The PAN of 60 was determined in the admission arrangements in January 2018. On 18 September 2018 Ofsted judged the school to be ‘Inadequate’ which has had a negative impact on the popularity of the school. Combined with the fact that Milton Keynes is experiencing a drop in birth rates from 2013/14, parents are choosing to access places outside of their catchment area at more popular schools.”* The local authority continued to say *“Should the school not be able to reduce PAN for 2019 it will need to continue to staff a second class despite it likely to be empty. [sic]”*

9. The local authority have consulted on and determined a PAN of 30 for the school for 2020.

## Consideration of the case

10. Section 88E of the Act requires that when submitting a request to the adjudicator to vary admission arrangements, admission authorities notify “*appropriate bodies*”. This requirement is set out again in paragraph 3.6 of the Code with the appropriate bodies being listed in footnote 61 to that paragraph. The application form used to apply to the adjudicator for a variation to admission arrangements explicitly lists the appropriate bodies as:

- all other admission authorities within the relevant area (except that primary schools need not notify secondary schools);
- whichever of the governing board or the local authority is not the admission authority.
- in the case of schools with a religious character, the religious authority.
- and so far as not covered by the above, all governing bodies for community and voluntary controlled schools in the relevant area.

11. It was therefore unfortunate that consideration of this application had to be delayed until the local authority had complied with this requirement. The relevant area is the area defined in section 88F of the Act as “*the area of the local authority in which the school is situated*” unless the local authority has followed the procedures set out in the Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999 to set different relevant areas for different schools and to include any parts of any adjacent local authorities it wishes to include. Evidence that the requirement to notify the appropriate bodies had been met was not received until 15 April 2019, the day before offers of places were made to children starting at primary school in September 2019.

12. In the application the local authority provided a table showing that it expected 61 places to be required at the school in September 2019 with 56 places required in the following year for which it has already taken the decision to reduce the PAN to 30. There were also tables showing that for 2019, while the local authority expected a surplus of 654 places across the town, in the planning area in which the school is located it expected a shortfall of 15 places. On the basis of these figures it would be difficult to support the requested reduction in PAN as they showed a need for places in the area and at the school. I asked the local authority for details about the actual number of places it had offered for September 2019.

13. Across Milton Keynes the total number of places offered was 3617, the number forecast as shown on the application form was 3588. Within the planning area for the school 354 places were allocated compared to the forecast shown in the application of 485. There were 25 places offered at the school compared to the 61 forecast to be offered. Of the 25 offers 20 were first preferences. The forecasts in the application sent to me were accurate for the whole authority, but poor for the local area and for the school. This puts the request in a different light to that generated by the figures in the application.

14. On the application form the local authority also told me that “*Should the school not be able to reduce PAN for 2019 it will need to continue to staff a second class despite it*

likely to be empty. [sic]" A table was included on the application form showing the number of children on roll in February 2019.

Year Group	PAN	Number on Roll	Vacancies
YR R	60	23	37
YR 1	60	33	27
YR 2	60	49	11
YR 3	60	44	16
YR 4	60	42	18
YR 5	60	55	5
YR 6	60	45	15

15. I asked the local authority how the school was intending to organise classes for September so that I could understand why a reduction in the PAN to 30 was necessary to prevent employing staff for an empty class. I also enquired how a room shown on the capacity assessment form for the school as a classroom for Year R and providing 60 places was used by the school.

16. In response to these enquiries I was told that the 56 children currently in Years R and 1 would in September 2019 be combined into two mixed age classes and that the large reception classroom would be used for pre-school children freeing up other accommodation to support children struggling to access mainstream education.

17. With the 25 children starting Year R in September in one class there would be three infant classes for 81 infant children. This would mean that the school could admit nine more infants before having to employ a fourth teacher in order to comply with class size legislation. Given the surplus of places in this part of Milton Keynes and the level of demand for this school in particular, I think it very unlikely that a fourth teacher would be needed whatever the PAN was. That said, I understand that by reducing the PAN the minute risk of needing a fourth teacher for the infants would be removed.

18. In this case, all known demand for the school for September 2019 has been met and there is a surplus of places in the local area and across the town. I can see no reason not to approve the proposed variation.

## Determination

19. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Milton Keynes Council for Langland Community School for September 2019.

20. I determine that for September 2019 the published admission number for the school will be 30.

Dated: 29 April 2019

Signed:

Schools Adjudicator: Phil Whiffing