



Office of
the Schools
Adjudicator

Determination

Case reference: VAR878

Admission authority: Kent County Council for Ellington Infant School, Ramsgate

Date of decision: 1 August 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 Kent County Council for Ellington Infant School, Ramsgate for September 2020.

I determine that for September 2020 the published admission number will be reduced from 90 to 60.

The referral

1. Kent County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2020 for Ellington Infant School (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 5 to 7 in Ramsgate.
2. The proposed variation is to reduce the published admission number (PAN) from 90 to 60.

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 referral from the local authority dated 28 June 2019 and supporting documents;
- b. the determined arrangements for 2020 and the proposed variation to those arrangements;
- c. evidence that the governing board for the school has been consulted;
- d. a map showing the location of the school and other relevant schools;
- e. a copy of the notification to the appropriate bodies about the proposed variation; and
- f. comments received on the proposed variation from the appropriate bodies.

The proposed variation

7. The local authority stated in the request for a variation that the number of children requiring primary school places in the Thanet area has fallen because of a lower birth rate and fewer than expected new houses being built. It said that as a result, the number of pupils at the school has fallen leading to financial difficulties for the school.

8. The local authority went beyond the requirement to notify the appropriate bodies of the proposed variation and conducted a six-week consultation on the proposal across the whole of the county. One response was received on the proposal which supported it.

Consideration of proposed variation

9. The local authority provided data which shows that although the school has a PAN of 90, fewer than 60 children have been admitted to the school in all of the last three years. The same data shows that the school was the first preference for fewer than 60 families in the last four years. The local authority's forecasts show that in 2020 there are 570 places available in reception classes across Ramsgate with 431 children expected to need places.

10. The arrangements with a PAN of 90 were determined by the local authority on 11 January 2019. The request for the variation does not explain why the fall in the number of places required and circumstances of the school were not known at that date and were not taken into account when setting the PAN.

11. On the form requesting this variation, the local authority said *“Decreasing the admission number from 90 (3FE) to 60 (2FE) will enable the school to operate a financially affordable class and staffing structure, helping to secure the long-term future and viability of the school”*. However, the local authority did not supply any details of how this would be achieved.

12. In the circumstances of this case I do not think it is necessary for me to explore the class and staffing structure further. This is because with 139 more reception class places available in Ramsgate than there are children needing them and the recent low level of parental preference for the school, I can see no risk to the supply of places in the area or to the degree of parental preference that is satisfied locally from approving the proposed variation. In other circumstances further details of how the reduction in the PAN was necessary to secure the long-term future and viability of the school would be required to balance against these issues.

13. Furthermore, the school is a community school where the local authority is the admission authority and would have the power to increase the PAN and fully utilise all 270 places at the school if it became necessary to meet local needs in the future. I therefore approve the reduction in PAN from 90 to 60 for September 2020.

Determination

14. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Kent County Council for Ellington Infant School, Ramsgate for September 2020.

15. I determine that for September 2020 the published admission number will be reduced from 90 to 60.

Dated: 1 August 2019

Signed:

Schools Adjudicator: Phil Whiffing