



Determination

Case reference: VAR898

Admission authority: Hertfordshire County Council for Moss Bury Primary School, Stevenage.

Date of decision: 20 December 2019

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by Hertfordshire County Council for Moss Bury Primary School, Stevenage for September 2019 and September 2020 that the published admission number for each of these years should be reduced from 45 to 30. The published admission number for each of 2019 and 2020 shall accordingly be 30.

The referral

1. Hertfordshire County Council, following consultation with the school's governing board, has referred proposed variations for Moss Bury Primary School and Nursery (the school), for September 2019 and September 2020 to the Office of the Schools Adjudicator (OSA). The school is a community school for children aged 3-11 in Stevenage. The local authority (LA) for the area is Hertfordshire County Council which is also the admission authority for the school.
2. The proposed variations are to reduce the Published Admission Numbers (PAN) from 45 to 30 for September 2019 and for September 2020.

Jurisdiction

3. The referral was made 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 variations are 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 referral sent on 15 November 2019 and supporting documents;
- b) the determined arrangements for 2019 and 2020 and the proposed variations to those arrangements;
- c) the minutes of the meeting of the school governing board where the decision was made to seek variations to reduce the PAN for each year;
- d) the local authority's information for parents seeking admission to schools in the area in September 2019;
- e) copies of the notifications sent as required by the Code.

The proposed variations

7. The LA determined a PAN for the school of 45 for each of September 2019 and September 2020. However, the school is currently undersubscribed and is forecast to remain so; 34 children were admitted in September 2019. There has been a change of headteacher at the school and he and his governing board are addressing financial difficulties that result from previous attempts to run the school with two classes in each year group and insufficient pupil numbers to fund this model. The proposed variations will mean that the school can begin to operate as a one form entry school with one class in each year group and be able to staff the school accordingly.

Consideration of the case

8. The LA reports that the previous headteacher and management regime aspired to become a two form entry school and admitted pupils over the PAN of 45 when the opportunity arose, without the permission of the admission authority (which as noted above is the LA). The school was organised with two classes in each year group but did not have sufficient pupil numbers to sustain the financing of such an organisational structure. The pupil number forecasts show a reducing number of children in the area.

9. The LA has supplied the following table that shows that the school currently has 34 pupils on roll in the 2019/20 Reception year group.

	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Autumn 2019	34	40	45	48	41	42	36	286
Spring 2019	39	46	49	41	41	40	45	301
Spring 2018	53	55	46	47	43	42	47	333
Spring 2017	57	48	46	43	46	47	43	330
Spring 2016	51	45	45	48	46	46	48	329

10. In 2017/18 the school expenditure was greater than its income by £89,500. The school’s new leadership team has implemented significant expenditure reductions. However the LA reports that forward projections show that this budget deficit could rise to £215,000 by 2002/22 unless further action is taken. Reducing the PAN would allow senior leaders and governors to establish a budget which is predicated on a realistic pupil intake. This will allow the school to plan for fewer classes and in doing this release funds to provide ongoing professional development for staff and improve the school’s computing infrastructure.

11. With a PAN of 30, the school shows that number of classes and teachers can be reduced from the current 13 to 10 in 2022/23 as set out below:

1920/1921	Nur	Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6			
Numbers in each year group	30	30	35	39	46	49	41	41			
Numbers in each class	Nur	Rec	Year 1	Year 1-2	Year 2	Year 3	Year 3-4	Year 4	Year 5	Year 5-6	Year 6
	30	30	25	25	25	32.6	32.6	32.6	27	27	27

1921/1922	Nur	Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6		
Cohort	30	30	30	35	39	46	49	41		
	Nur	Rec	Year 1	Year 2	Year 3	Year 3-4	Year 4	Year 5	Year 5-6	Year 6
Classes	30	30	30	35	28.3	28.3	28.3	30	30	30

1922/1923	Nur	Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6		
	30	30	30	30	35	39	46	49		
	Nur	Rec	Year 1	Year 2	Year 3	Year 3-4	Year 4	Year 5	Year 5-6	Year 6
	30	30	30	30	24.6	24.6	24.6	32.6	32.6	32.6

12. In determining whether or not the variation request should be agreed it is necessary to establish that there are sufficient places available in the school and in the local area. The application process to the school for September 2019 has been completed and 34 places were allocated. If the PAN is reduced to 30 for the current year there will be no spare places at the school for in-year admissions in the current year.

13. The LA groups this school with two other primary schools as a planning area and between them the PANs total 165 which would reduce to 150 if this variation is agreed. The LA sets out its projected numbers across the three school as follows:

Year	Numbers projected
2020/2021	161
2021/2022	154
2022/2023	164

14. The LA explains that if this planning area is considered on its own then there would be insufficient places to meet the projected demand if this variation is agreed. However, it

goes on to explain that there is significant pupil movement across Stevenage Town for primary provision and when considered alongside the two neighbouring planning areas, there are a total of 931 Reception places available. The forecast for these areas combined shows there would be sufficient capacity even if these variations reduced the total of available PANs is 916. I am satisfied that approving these proposed variations would not lead to children unable to find a school place in their local area.

Year	Numbers projected across three planning areas
2020/2021	873
2021/2022	873
2022/2023	914

15. I turn now to consider the question of demand for places as distinct from the need for places. The LA figures below show that the number of children admitted to the school over the last four years has been reducing and those at neighbouring schools have remained steady.

	Lodge Farm number admitted	Camps Hill number admitted	Moss Bury number admitted	Total number of places admitted
2016/2017*	58	60	57	175
2017/2018*	59	59	53	171
2018/2019*	58	59	39	156
2019/2020	60	60	34	154

*January school census

16. However, it is the case that, notwithstanding the fall in numbers admitted to YR each year since 2016, more children have been admitted each year than the proposed varied PANs for 2019 and 2020. Of course for 2019, the 34 children that have already been admitted have their places. The LA argues that reducing the PAN, so that it might be easier to prevent any further admissions to YR this year, will help to stabilise the school towards one form of entry for September 2020 admissions. Should people move into Stevenage during the year the LA is clear that it has sufficient places across the primary schools to meet the demand. This still means that there is a risk that if the PANs are reduced parents who would like their children to go to Moss Bury will be disappointed. It requires a strong

argument to frustrate potential parental preference in a situation where, as here, the school has the accommodation to accommodate a higher PAN and there has not been the consultation required before a PAN is reduced in the normal way. Absent such consultation, local parents have had no opportunity to express their views and, indeed, to object to the adjudicator if they oppose the reduction. I have given serious consideration to this matter but have concluded that in this case the arguments for reduction in the PAN are sufficiently strong.

17. The LA has confirmed its support for this variation request and has also confirmed that it will work with the school should there be a need to increase places in the future.

18. On the basis of the information provided by the school and the LA, I am satisfied that there will be sufficient places for both 2019 and 2020 and I therefore approve the requests to vary the PAN from 45 to 30 in each year. The LA informs me that it is consulting to change the PAN for 2021 so the opportunity for parents and others to have their say as I outlined above will be provided in relation to 2021.

Determination

19. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by Hertfordshire County Council for Moss Bury Primary School, Stevenage for September 2019 and September 2020 that the published admission number for each of these years should be reduced from 45 to 30. The published admission number for each of 2019 and 2020 shall accordingly be 30.

Dated: 20 December 2019

Signed:

Schools Adjudicator: David Lennard Jones