



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR 922 Shenley Primary School, Hertfordshire

**Admission authority:** Hertfordshire County Council for Shenley Primary School, Hertfordshire

**Date of decision:** 26 March 2020

## Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Hertfordshire County Council for Shenley Primary School, Hertfordshire.

I determine that for admissions in September 2020 and September 2021 the Published Admission Number will be 30.

## The referral

1. The local authority (Hertfordshire County Council) has referred the variation to the Adjudicator about the admission arrangements for admissions in 2020 and 2021. Shenley Primary School is a 3 to 11 primary school in Shenley, Hertfordshire. The referral requests a reduction in the Published Admission Number (PAN) from 45 to 30 for admissions in September 2020 and 2021.

## 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*”.

3. I am satisfied that the proposed variation is within my jurisdiction.

## Procedure

4. In considering this matter, I have had regard to all relevant legislation, guidance and the School Admissions Code.

5. The documents I have considered in reaching my decision include:

- a) the local authority's referral of 11 March 2020;
- b) minutes of the local authority's executive board at which the arrangements were determined for September 2020 and September 2021;
- c) the determined arrangements for the school;
- d) details of notifications sent to appropriate bodies concerning the variation request;
- e) governing body minutes recording consultation on the variation;
- f) maps of the area showing local schools; and
- g) a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2020.

## The proposed variation

6. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be changed, that is varied, if there is a major change of circumstance or certain other limited and specified circumstances. I will consider below whether the variation requested is justified by the change in circumstances.

7. Paragraph 3.6 of the Code also requires that relevant parties be notified of proposed variation. I have seen confirmation from the school's governing board that it supports the request for the variation.

## Consideration of proposed variation

8. The school is a 3 to 11 community primary school. It is located in the local authority of Hertfordshire County Council which is the admission authority for the school. The admission arrangements for admission in September 2020 were determined by the local authority in February 2019 and published on the local authority and the school's websites. The arrangements for admission in 2021 were determined by the local authority on 24 February 2020. Both these sets of arrangements include a PAN of 45. This is the same PAN as previous years. At the school's governing board meeting on 4 March 2020 the PAN was discussed with the local authority and a decision was made to apply for a reduction in the PAN from 45 to 30 for admission in September 2020 and 2021. The local authority submitted the variation request to the adjudicator on 11 March 2020.

9. The referral states that there has been a reduction in applications for the school in the past few years and an in-year decline in numbers. This decline in roll has led to financial pressures and a deficit budget. Some classes are organised on a mixed age basis. In September 2019 a new headteacher was appointed and her plan is that the school should be organised with one class in each year group. This change would enable the school to manage its staffing and class structure and stabilise its financial position.

10. The local authority provided numbers of applications and allocation for the previous three years and a forecast for admissions in the next two years. These figures are significantly below PAN. Figures for 2021 and 2022 are forecast as similar to those of 2020; that is approximately 26 but the local authority hope to recruit more than that number up to a PAN of 30. These can be seen in the table below;

<b>September</b>	<b>PAN</b>	<b>First preferences</b>	<b>Places allocated</b>
<b>2017</b>	45	20	19
<b>2018</b>	45	32	37
<b>2019</b>	45	18	19
		<b>Forecast figures</b>	
<b>2020</b>		26	26
<b>2021</b>		30*	
<b>2022</b>		30*	

\*Asterisk denotes numbers if the school can increase recruitment in these years.

11. The school's capacity is able to accommodate 45 children in each year group. However, the governing board considers it to be financially unviable to plan staffing and accommodation for 45 pupils being admitted in reception (YR) when, in reality, the number is much smaller. This planning has added considerably to the financial and organisational burden on the school. In the delegated budget scheme, funds are allocated to the school based on a number of factors. Most important among these factors is the allocation of funds based on actual pupil numbers on roll. A sustainable financial plan based on 45 pupils in a year group where the numbers are actually only 26 or fewer could prove difficult for governors to manage. I agree that this situation may render the school's budget financially unviable in the future.

12. The school has a planned reduction of one class (with a consequent reduction in staffing) for the 2022/23 academic year but would like to bring this in sooner; this would help the governing board manage the budget more effectively.

13. The local authority states that the reduction in PAN for YR for the school will not lead to a shortage of school places in the planning area. I have also considered the current and forecast numbers for admission to the school. The school has been able to admit every child whose parent wished them to attend this school in the past few years and is forecast to be able to continue to meet parental preferences in the future with the reduced PAN.

14. I therefore approve the variation requested by the school. The PAN for admission to the school in both September 2020 and September 2021 will be 30.

## Summary

15. The school has planned class numbers and staffing to accommodate a PAN of 45 for admission in September 2020 and 2021. Forecast numbers from the local area show that it is highly unlikely that 45 pupils will be admitted; the predicted numbers for the next five years range from 26 to 30. A reduction in numbers will lead to a reduction in budget and the governing board report that this would lead to a deficit budget. The school and the local authority have suggested a plan to reduce the number of classes by one with a consequent reduction in staffing; this would be facilitated by a reduction in PAN to 30. I consider this a sensible plan and therefore agree the variation requested.

## Determination

16. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Hertfordshire County Council for Shenley Primary School, Shenley, Hertfordshire

17. I determine that for admissions in September 2020 and 2021 the Published Admission Number will be 30.

Dated: 26 March 2020

Signed:

Schools Adjudicator: Ann Talboys