



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: VAR938**

**Admission authority: Coventry City Council for John Gulson Primary School**

**Date of decision: 17 June 2020**

## 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 Coventry City Council for John Gulson Primary School for September 2020 and September 2021.

I determine that the published admission number for John Gulson Primary School will be reduced from 90 to 60 for both September 2020 and September 2021.

## The referral

1. Coventry City Council (the Council) has referred a proposal for variations to the admission arrangements for September 2020 and September 2021 for John Gulson Primary School (the school) to the Office of the Schools Adjudicator. The school is a community school for children aged 2 to 11 in Coventry.
2. The proposed variations are to reduce the published admission number (PAN) from 90 to 60 in both 2020 and 2021.

## 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 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 referral from the Council dated 29 May 2020 and supporting documents;
- b. the determined arrangements for 2020 and 2021 and the proposed variations to those arrangements;
- c. evidence that the governing board was consulted;
- d. a map showing the location of the school and other relevant schools; and
- e. a copy of the notification to the appropriate bodies about the proposed variations.

## The proposed variation

7. The school is situated near the middle of Coventry; it was considered to be “Good” by Ofsted in March 2019. According to the Department for Education database, there are 14 other primary schools within one mile of the school.

8. The arrangements for 2020 were determined by the Council on 12 February 2019 and the arrangements for 2021 were determined by the Council on 3 February 2020. The PAN for the school was determined as 90 in both sets of arrangements.

9. It was not clear to me from the form requesting these variations whether the application was for 2020 alone or for both 2020 and 2021. The Council clarified that it was seeking a variation for both years and was under the mistaken view that an approved variation for 2020 would set the PAN at the new figure in all future years. This is not the case. PANs must be set by the admission authority annually. A variation to the 2020 PAN made after the PAN for 2021 had already been determined (that is before 28 February 2020) would not change the PAN already determined for 2021. My decision on these proposals will not change the requirement for the local authority to determine a PAN for the school for September 2022 in due course.

10. The initial application only included a copy of the 2020 arrangements and the minutes of the meeting at which they were determined. After clarifying that a variation was also being sought for 2021, the equivalent documents were supplied for that year.

11. Paragraph 3.6 of the Code requires that all appropriate bodies in the relevant area are notified of a proposed variation. The Council provided me with a copy of its notification on the proposed variation and the list of schools and other bodies to which it was sent. However, this only referred to the 2020 arrangements and subsequently the Council sent out further notification about the proposed variation to the 2021 arrangements. I am satisfied that the appropriate bodies have been notified. I have also seen a minute of a meeting of the school's governing board confirming support for the proposal to reduce the PAN to 60. I find that the appropriate procedures were followed.

12. 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 variations requested are justified by the change in circumstances.

### Consideration of proposed variations

13. The major change in circumstances identified by the Council which it says requires these variations is a "*significant decrease in numbers of children living in the catchment area/and surrounding area for the school planning area*". The Council said the school was experiencing significant financial difficulties which were "*exacerbated by the reducing demand in their normal year of entry*" and that "*By organising as a 2 form of entry school, the school will be able to maximise their financial and educational effectiveness, and ensure an improvement in the stability of the school*".

#### The proposed reduction in PAN for 2020

14. The local authority provided me with data about the number of children admitted to schools in the planning area in the last three years and the number offered places for 2020.

YEAR R	2017	2018	2019	2020
Places available in the area	570	570	570	570
Places needed in the area	555	509	496	467
Places taken up at the school	84	70	72	49
Proportion of need met by the school	15.1%	13.8%	14.5%	10.5%

15. While the local authority should have been aware when it set the 2020 PAN for the school that overall demand in the area was falling, it could not have been aware of the fall in the relative popularity of the school until applications for 2020 had been received.

16. The school is planning to organise its classes in September 2020 as follows.

Year	R	1	2	3	4	5	6
Number of children	45	65	63	62	78	81	88
Number of classes	2	3	3	2	3	3	3

17. I find it difficult to see how reducing the PAN from 90 to 60 will help the school financially. If the PAN remains at 90, then between now and the end of the school year 2020/21, the admission authority would not be able to refuse admission until that figure was reached. I consider it highly unlikely that 45 more children will request places at the school in that time. If the PAN was 60, then 15 more children would have to be admitted if they asked for places during that school year. In my view this number of requests is still unlikely.

18. Class size legislation says that infant classes (those where the majority of children will reach the age of 5, 6 or 7 during the school year) must not contain more than 30 pupils with a single teacher. If the PAN remains at 90 and sixteen children applied during the year, then the sixteenth child would have to be admitted, but the school would not need to appoint another teacher as there would be (unless some unprecedented event had led to another 52 infant aged children joining the school in year 1 and 2) fewer than 30 children in other infant classes and the sixteenth child could be put in one of those. The governing board appears to have overlooked the opportunity to save money by teaching Year 1 and Year 2 in five rather than 6 classes.

19. I do not think that reducing the PAN from 90 to 60 will help the school's financial position. However, with 103 empty Year R places at other primary schools in the area, including what would be 15 at this one, I do not see how reducing the PAN would cause any difficulty for a family moving into the area that needed a Year R place. Therefore, I approve the proposed reduction in PAN from 90 to 60.

#### The proposed reduction in PAN for 2021

20. The local authority told me that it anticipates needing 448 Year R places in the planning area in September 2021. If a similar proportion to that in 2020 of the 448 children are offered places at the school, it can expect to have about 47 children; if the school was as popular as it was in 2017, about 67 places would be needed.

21. When determining the PAN for 2021, the local authority should have been aware that even fewer places would be required in the area in 2021 than in 2020, but it would not have been aware of the change in the pattern of parental preference noted above. It was, therefore, reasonable to set a PAN of 90 as the indications were that more than 60 places would be wanted at the school.

22. If the PAN remains at 90 and the pattern of parental preference remains as it is now, the school would find itself in a similar position to that for 2020 and reducing the PAN would

have no effect on the school's costs. However, if the level of parental preference returned to the position of a few years ago, the school could find 67 children being offered places. I have considered the implications of this for the organisation of classes at the school. In doing so I have assumed that existing year groups have not changed size and 67 children are offered places in Year R on September 2021.

	Children 2020	Classes 2020	Children 2021	Classes 2021	
R	45	2	67	3	
1	65	3	45	2	4
2	63	3	65	3	
3	62	2	63	2 or 3	
4	78	3	62	2	
5	81	3	78	3	
6	88	3	81	3	

23. The school currently has eight infant classes and 19 classes altogether. It would seem to me that even with a PAN of 90, in 2021, there would be scope to organise with as few as seven infant classes and 17 classes altogether. It would be possible to reduce costs without reducing the PAN.

24. If the PAN was reduced to 60, there would still be 540 places available in the area. In my view this is more than sufficient to meet a high degree of parental preference locally. There would be other local schools available for any child who could not be offered a place due to a reduced PAN. The effect within the school would mean that it could organise with just two classes in Year R making the school more financially efficient as Reception class sizes would be larger. There would remain scope for efficiencies in other year groups.

25. I am of the view that reducing the PAN from 90 to 60 for September 2021 will help the school be more financially efficient and will not prevent any local children from being able to find a school place near to their homes. I therefore approve the proposed reduction in PAN from 90 to 60.

## Summary

26. For the reasons set out above, I do not see how reducing the PAN from 90 to 60 for September 2020 will help the school financially. There are other steps which the school could have taken to reduce its costs. However, given the level of surplus places in the area,

I do not think that reducing the PAN will disadvantage any family. I therefore approve the proposed reduction in PAN for that year.

27. For September 2021, the school would be able to reduce its costs without reducing the PAN. However, if the PAN is reduced, I think the school could be even more financially efficient without disadvantaging families in the area. I therefore approve the proposed reduction in PAN for that year.

## **Determination**

28. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by Coventry City Council for John Gulson Primary School for September 2020 and September 2021.

29. I determine that the published admission number for John Gulson Primary School will be reduced from 90 to 60 for both September 2020 and September 2021.

Dated: 17 June 2020

Signed:

Schools Adjudicator: Phil Whiffing