



Office of
the Schools
Adjudicator

Determination

Case reference: VAR1000

Admission authority: Suffolk County Council for Hardwick Primary School in Bury St Edmunds

Date of decision: 31 July 2020

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 Suffolk County Council for Hardwick Primary School for September 2021.

I determine that for admissions in 2021 the published admission number will be 30.

The referral

1. Suffolk County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 for Hardwick Primary School (the school), to the adjudicator. The school is a community school for children aged four to eleven in Bury St Edmunds. The proposed variation is that the published admission number (PAN) is reduced from 45 to 30.

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, and the School Admissions Code (the Code).

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

- a. the referral from the local authority dated 15 July 2020, supporting documents and further information at my request;
- b. the determined arrangements for 2021 and the proposed variation to those arrangements;
- c. evidence that the governing board for the school has been consulted and comments from the chair of the governing board on the proposed variation;
- d. a map showing the location of the school and other relevant schools; and
- e. a copy of the letter notifying the appropriate bodies about the proposed variation.

The proposed variation and consideration of 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 a proposed variation. The local authority has provided me with a copy of its notification on the proposed variation and confirmed that all those required to be notified have been notified. There were no responses to the notification. I have seen confirmation that the school's governing board supports the request for the variation. I find that the appropriate procedures were followed.

8. The Code requires a public consultation for a change to most aspects of admissions arrangements. This is not required when the change is made through a variation because a variation is to meet a major change in circumstances since the arrangements were determined. Parents and others with an interest therefore do not normally have an opportunity to express any views on the proposed variation. Moreover, once the PAN has been set for a community school such as this one, the only body that can object if the PAN remains the same in subsequent years is its governing board. My jurisdiction is for the arrangements for 2021 and I note that the local authority has said that it will consult on setting the PAN at 30 for 2022.

9. I have scrutinised the data to try to ascertain if there will be sufficient school places in the local area if the PAN is reduced from 45 to 30; considered the demand for places at the school; the reasons given for the change; and whether the change is justified in these circumstances.

10. The local authority has a duty to make sure that there are sufficient places for the children in its area. To fulfil this duty the local authority assesses the likely future number of places to be needed and plans to meet that need. The local authority uses planning areas, which are geographical groups of schools, for this purpose. The school is on the edge of Bury St Edmunds and the relevant planning area covers Bury St Edmunds and its surrounding area. There are 15 primary schools admitting children to reception year (YR) in the planning area.

11. Table 1 below shows the number of children offered places at the schools in the planning area in previous years, including 2020, and the forecast of how many places will be needed in the future. The number of places allocated on national offer day (NOD), which is on or around 16 April each year, is an indication of how many children will be admitted to schools.

Table 1: number of children and the number of school places in the planning area

	Sum of PANs of schools in the planning area	Number of children allocated places at school in the planning area on NOD	Difference between the sum of the PANs and the number of places allocated or forecast to be allocated	Difference as percentage
2019	640	538	102	16%
2020	647	523	124	19%
2021	662*	550 forecast	112	17%
2022	662*	536 forecast	126	19%

*assumes no changes to any PAN from those set for 2021

12. These are relatively high numbers and high proportions of surplus places and so a reduction by 15, as proposed, would not lead to a shortage of places in the planning area. I note that some of the schools are located in the more rural hinterland of Bury St Edmunds and are likely to be village schools which are some distance from the school and so the number of vacant places may not reflect demand in particular parts of the planning area. I therefore compared how many children were admitted to schools in Bury St Edmunds closest to the school with the PANs for those schools. It was evident from this that there are

surplus places in these schools. I am therefore satisfied that there would be enough places for the children in the area if the PAN at the school were to be reduced to 30.

13. I will now consider the demand for places at the school. Table 2 shows the number of children admitted to YR in recent years, the number of children allocated to YR for 2020 and the forecasts for admissions in 2021 and 2022. Throughout the table the PAN is the current PAN of 45.

Table 2: admissions to YR at the school

	PAN	Number of children allocated a place on NOD or forecast to be admitted	Difference between PAN and number of children
2018	45	38	7
2019	45	27	18
2020	45	40	5
2021	45	30 (forecast)	15
2022	45	27 (forecast)	18

14. Table 2 shows that the number of children has fluctuated and that in 2020 there will be around 40 children admitted to the school. This is ten more than the PAN of 30 requested for 2021. However, the forecast is that the need for places at the school will significantly reduce for 2021 and 2022. I asked the local authority to explain the anticipated reduction which was also reflected in the forecasts for places across the planning area. The local authority explained that its figures were based on pre-school children registered with a GP in May 2020. If the forecasts for 2021 and 2022 are accurate then a PAN of 30 would be sufficient to meet demand.

15. The governing board asked the local authority for the reduction to the PAN and the chair of the governing board explained its reasoning in a letter supporting the request for the variation. He explained that the PAN for the school had been increased to 45 in anticipation of additional pupils *“through expected increases in housing development and out of catchment pupils, neither of which have been properly forthcoming and are unlikely for the foreseeable future.”* He explained that *“Failure to have an effective reduction, would place a heavy financial burden on the school to provide classes for only small numbers of children as the existing PAN will potentially push us into more year R and Yr 1 classes than we can afford to maintain.”*

16. The local authority provided me with information on how the school plans to organise its classes for September 2020. This includes the number of children in each year group and how the school then organised those children into classes. The school anticipates 259 pupils in total which it will organise in 11 classes; most classes will contain more than one year group. Organising 259 children into eleven classes would give an average of 23/24 pupils per class if the aim were to have evenly sized classes although the school has

chosen to create some larger and some smaller classes. For example the incoming YR group for September 2020 will be organised into two classes with around 20 pupils each, Year 1 has one class of 25 pupils, Year 2 has two classes with 19 pupils each and the two year groups Years 3 and 4 are combined into three classes with 26, 27 and 29 pupils each.

17. I can see and understand that whatever approach to class organisation the school takes, it is challenging for it to operate on the basis of admitting more than 30 children each year but much fewer than 45. In addition, schools are funded largely on the basis of pupil numbers which means that if classes are significantly smaller than 30, this also becomes financially challenging.

18. If just over 30 children seek a place at the school for 2021 (against the local authority forecast of 30), then class organisation may become more difficult. Infant class size regulations are a factor. These regulations mean that, as explained in paragraph 2.15 of the Code, *“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 school teacher.”* The forecast is that there will be 30 children admitted in 2021 but if the PAN remains at 45 and 31 children were admitted then the school may have to provide two teachers to comply with infant class size regulations. Of course the school can have mixed age groups but if, as has happened here, the numbers in each year group fluctuate from year to year then the make up of classes is likely to vary from year to year and it can become complicated to organise the class make up to support effective delivery of the curriculum.

19. The evidence provided shows that there are sufficient places in the planning area; that the forecast is that the demand for the school will be met by a PAN of 30; and the school has requested that the PAN is reduced to 30 in order to assist it in its class organisation, staffing and financial planning. On the basis of the information provided I agree the proposed variation.

Determination

20. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Suffolk County Council for Hardwick Primary School for September 2021.

21. I determine that for admissions in 2021 the published admission number will be 30.

Dated: 31 July 2020

Signed:

Schools Adjudicator: Deborah Pritchard