



Office of
the Schools
Adjudicator

Determination

Case reference: VAR1098

Admission authority: West Berkshire Council for Parsons Down Infant School, Thatcham

Date of decision: 4 September 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 West Berkshire Council for Parsons Down Infant School, Thatcham, for September 2021.

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

I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the way set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

The referral

1. West Berkshire Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 for Parsons Down Infant School (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 4 to 7 in Thatcham.
2. The proposed variation is to reduce the published admission number (PAN) from 60 to 30.

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.

5. I am also satisfied that it is within my jurisdiction to consider the determined arrangements in accordance with my power under section 88I of the Act as they have come to my attention and determine whether or not they conform with the requirements relating to admissions and if not in what ways they do not so conform.

Procedure

6. In considering this matter I have had regard to all relevant legislation, and the School Admissions Code (the Code).

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

- a. the referral from the local authority dated 17 June 2020 (received by the Office of the Schools Adjudicator on 28 July 2020);
- b. the determined arrangements for September 2021 and the proposed variation to those arrangements;
- c. emails from the head and the chair of the governing board of the school;
- d. a copy of the email notifying the appropriate bodies about the proposed variation;
- e. a map showing the location of the school and other relevant schools; and
- f. details of the numbers on roll at the school and other local schools and the forecast demand for places.

Other matters

8. When I considered the admission arrangements for the school as a whole (these are the generic arrangements for community and voluntary controlled schools in West Berkshire), I noticed that in connection with the priority given to previously looked after children, reference is made to "residence orders", which were replaced by child arrangements orders in 2014. The local authority recognised the error in its arrangements and undertook to replace the reference to "residence orders" with "child arrangements orders." In the light of this, I say no more about this matter in this determination.

The proposed variation

9. In the determined arrangements for admission to the school in September 2021, the PAN was set at 60, as it had been since 2018. The local authority has requested that the PAN be reduced to 30, due to a significant reduction in the demand for places at the school.

10. 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 circumstances or certain other limited and specified circumstances. I will consider below whether the variation requested is justified by the change in circumstances.

11. Paragraph 3.6 of the Code also requires that relevant parties be notified of a proposed variation and that the local authority as admission authority consult the governing board. The local authority has provided me with a copy of its notification of the proposed variation and the list of schools and other bodies to which it was sent. The chair of governors has confirmed that the school's governing board supports the request for the variation. I am satisfied that all relevant bodies have been notified or consulted as the case may be and that the appropriate procedures were followed.

Consideration of proposed variation

12. According to the local authority, there was a significant and “*unexpected*” reduction in the number of first preferences expressed for the school for admission in September 2019, which was repeated for admission in September 2020. The local authority says, “*This decline in popularity is set in the context of reducing numbers across Thatcham.*”

13. Table One shows the numbers of children allocated places in the reception year (YR) at schools in “Planning Area 4”, which covers the town of Thatcham, from 2018 to 2020, with forecast numbers for 2021, and the figures for Parsons Down Infant School.

Year of entry to YR	Combined PANs of schools in Thatcham	Total of places allocated	Places allocated at Parsons Down Infant
2018	410	374	55
2019	410	345	31
2020	395	336	50
2021 (forecast)	365*	349	31

*If reduction in PAN at Parsons Down Infant School is approved.

14. The local authority informed me that the increase in the number of places allocated for admission in September 2020, compared to 2019 and the forecast for 2021, is largely explained by 13 of the places being “non preference offers”, that is, allocated to children for whom their parents did not make the school one of their preferences. These places had to be offered because the opening of a new primary school in the adjoining town of Newbury, scheduled for 2020, was delayed for 12 months due to Covid-19. The local authority says that,

“As a result there were not enough spaces in Newbury schools and Parsons Down was the nearest available for Newbury residents.”

15. The local authority states that the decline in pupil numbers across Thatcham has not been *“evenly felt”* across the primary schools in the town. Parsons Down has *“taken the brunt of the surplus places.”* The local authority does not expect there to be a *“significant shift”* in the popularity of the school in the short term, taking into account the proximity and ease of access to other primary schools.

16. The effect of year group numbers of just over 30 is, according to the local authority, to pose *“considerable organisational and financial challenges to the school.”* Mixed age classes have had to be established and many parents are said to be *“unsettled”* by this. The local authority continues,

“Generally, parents in urban areas find these arrangements unattractive, particularly where there are other options offered by schools in Thatcham.”

It is concerned that, unless action is taken, that there will be *“financial challenges”* that *“may very well impact on the viability of the school.”*

17. I recognise the concerns that the local authority has expressed. Pupil numbers in YR and key stage 1 cannot exceed 30 in each class taught by a single qualified teacher due to the regulations relating to the size of infant classes. A reduction in the school’s PAN from 60 to 30 is likely to mean that it would be fully subscribed, or very close to being so. It would enable it to plan to operate with one class for children in YR in September 2021, with one teacher. If the PAN were to remain at 60 and the number of children allocated places in YR exceeded 30 by a small margin, as the forecast suggests will be the case, two qualified teachers would be required for pupils in YR, due to the regulations relating to the size of infant classes. As schools are funded principally on the basis of the number of pupils on roll, such a requirement could pose a severe financial challenge. Mixed age classes can help to mitigate this challenge, and are used very successfully in many schools, particularly small schools in rural areas, but I appreciate, for the reasons given by the local authority, that this is not considered a helpful solution for this school.

18. As the predicted demand for places at the school may slightly exceed 30 for admission in September 2021, I asked the local authority where children who did not obtain a place at the school would be allocated places. I was concerned that no child should face an unreasonably long journey to school as a result of a reduction in the PAN. The local authority told me that the numbers of children living in the school’s catchment area who were allocated places were 24 in 2019 and 28 in 2020. The admission arrangements give children living in the catchment area the highest priority after looked after and previously looked after children, children adopted from state care outside of England and children with exceptional social or medical needs. The local authority expects that children it is unable to offer places at the school for admission in September 2021 will live in the catchment areas of other schools, where there is expected to be a small amount of surplus capacity.

19. The headteacher and the chair of governors both wrote to me to express their support for the proposed variation. The headteacher said that there had been “*much consideration*” and “*It is not a decision that we have taken lightly.*”

Summary of decision

20. I am satisfied that the change in the circumstances of the school, that is, its decline in popularity, justifies the proposed variation. The reduction in its PAN will enable it to operate with a single class in YR and will contribute to its financial stability. It appears unlikely that the reduction will cause difficulty for parents and children, although there will be a close match between demand and the number of places available both at the school and across Thatcham as a whole. I therefore approve this variation request, but this should not be understood as an endorsement of any longer-term change. PANs, as part of admission arrangements, must be determined annually. The local authority will need to continue to monitor closely the demographic trends in the town before making decisions about the future provision of places at the school.

Determination

21. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by West Berkshire Council for Parsons Down Infant School, Thatcham, for September 2021.

22. I determine that the published admission number for the admissions in September 2021 shall be 30.

23. I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the way set out in this determination.

24. By virtue of section 88K(2) the adjudicator’s decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

Dated: 4 September 2020

Signed:

Schools Adjudicator: Peter Goringe