



Office of
the Schools
Adjudicator

Determination

Case references: VAR1638

Admission authority: Northamptonshire County Council for Chiltern Primary School, Northampton

Date of decision: 2 October 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 Northamptonshire County Council for Chiltern Primary School, Northampton for September 2020 and September 2021.

I determine that the published admission number for September 2020 and September 2021 will be 30.

The referral

1. Northamptonshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2020 and September 2021 for Chiltern Primary School (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 4 to 11 in Northampton.
2. The proposed variation is that the published admission number (PAN) is reduced from 60 to 30 for admissions in 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 variation is 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 local authority dated 11 August 2020 and supporting documents;
- b. the determined arrangements for 2020 and 2021 and the proposed variation to those arrangements;
- c. a copy of the local authority’s booklet for parents seeking admission to schools in the area in September 2020 and September 2021;
- d. evidence that the governing board for the school has been consulted;
- e. a map showing the location of the school and other relevant schools; and
- f. a copy of the letter notifying the appropriate bodies about the proposed variation.

The proposed variation

7. The local authority has applied for a reduction in the PAN at the school because “There has been a drop in birth rates within the local area. The Duston area has also seen a huge drop in the rate of in-migration to the area since Brexit, which has also significantly impacted on the demand for primary school places in the area. The school has a second time Ofsted rating of ‘requires improvement’ and this has impacted upon demand for the school itself. Other schools in this area of town are preferred.”

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

9. Paragraph 3.6 of the Code also requires that the appropriate bodies in the relevant area be notified of a proposed variation. The local authority has provided me with a copy of its notification on the proposed variation which was sent to the appropriate bodies on 22 June 2020. It is also a requirement that where a local authority (as in this case) is the admission authority for a school it consult the governing board about the proposed variation and I have also seen confirmation from the school’s governing board that it supports the request for the variation.

10. I am satisfied that all appropriate bodies have been notified and that views expressed have been taken into consideration. I find that the correct procedures were followed.

Consideration of proposed variation

11. Chiltern Primary School is located in Duston which is two miles west of Northampton town centre. There are eight primary (five community and three academy) schools within one mile of the school (based on the Government's website Get Information About Schools). I wanted to know that, if the PAN were reduced at this school from 60 to 30 as proposed, there would be sufficient places for local children.

12. The school is part of the Northampton Primary Planning Area of the authority. The local authority wrote "Two years of intake at 48 and 42 have affected the budget and meant restructure of staff at start of school is necessary to mitigate against the budget impact of the lower number of pupils on roll. Local birth rates and NCC's pupil projection forecasts indicate that less school places are needed locally."

13. The table below sets out information on pupil numbers at the school.

September	PAN	Number of first preferences	Number of places allocated
2015	60	23	48
2016	60	26	54
2017	60	28	55
2018	60	32	50
2019	60	29	35
2020	60	20	24

14. It is clear that numbers applying for and being allocated places at the school have dropped since 2019. The local authority wrote that if the PAN is reduced "Pupil numbers will be stabilised and the school will be able to implement a suitable staffing structure for this lower number of pupils. This will allow more robust financial planning and put the school on a sounder financial footing which will benefit all pupils that attend the school." The chair of governors at the school wrote "I can confirm that the Governing Board has been consulted on the variation of admission arrangements proposed by the local authority. The Governing Board are fully supportive of this proposal which has been discussed in some detail with both [an officer] from the local authority and [the headteacher]."

15. I asked the local authority how many children have started at the school in the Reception Year this term and on 17 September 2020 the local authority reported there were 26 children who have started at the school.

16. The local authority has forecast the following need for places at the school in the next few years:

	Number of places <i>forecast</i> to be required
2020	30
2021	27
2022	26

17. As the local authority has applied for a reduction in both 2020 and 2021, the composite prospectus setting out details of all schools for admission in 2021 has entered a provisional PAN of 60 for the school, dependent on the application for the reduction in PAN.

18. With just 35 children starting at the school in September 2019 and the local authority's forecast for future demand, the local authority would have been able to undertake a statutory consultation in line with the requirements of the Code before determining the PAN for 2021, although this would have been too late for the 2020 PAN. Consulting on a proposed new PAN in the manner required by paragraphs 1.42 to 1.45 of the Code would have allowed a full local scrutiny of the issues and full consultation with parents and others. Parents would have had the opportunity to comment or object to the proposals. The notification to appropriate bodies about the proposed reduction is not a consultation. The local authority said that there was an "Agreement between the school and local authority that the school will increase PAN back to 60 at the request of the LA and in line with demand." The PAN needs to be set each year by the local authority as the admission authority.

19. The local authority told me there were "Sufficient levels of surplus capacity in other 'Duston Primary' planning area schools that will be more than sufficient to meet demand from September 2020. Pupil projection forecasts indicate a large and increasing level of surplus capacity within the Reception cohort that is anticipated to start school in the planning area in future academic years. The reduction in PAN to 30 pupils will not only benefit Chiltern Primary School in terms of the school's ability to structure its classes more appropriately and allow for more robust financial planning. The proposed reduction will also benefit all schools located in the area as will help reduce the level of surplus capacity to be more in line with DfE (Department for Education) recommended limits in future academic years."

20. I note that unless some accommodation at the school is removed or taken out of use at the same time, then reducing the PAN does not necessarily reduce the capacity of the school which is determined through the net capacity assessment.

Summary

21. The local authority has proposed a variation to the admission arrangements of the school in September 2020 and 2021, which is that the PAN should be reduced from 60 to 30. This is supported by the governing board for the school. In the light of the number of places that have been offered, and the number of vacancies in other local schools, I approve the reduction.

Determination

22. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Northamptonshire County Council for Chiltern Primary School, Northampton for September 2020 and September 2021.

23. I determine that the published admission number for September 2020 and September 2021 will be 30.

Dated: 2 October 2020

Signed:

Schools Adjudicator: Lorraine Chapman