



Office of
the Schools
Adjudicator

Determination

Case references: VAR1640

Admission authority: Northamptonshire County Council for Mawsley Community Primary School, Kettering

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 Mawsley Community Primary School, Kettering for September 2020 and September 2021.

I determine that the published admission number for September 2020 and September 2021 will be 45.

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 Mawsley Community Primary School (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 4 to 11 in Kettering, Northamptonshire.
2. The proposed variation is that the published admission number (PAN) is reduced from 60 to 45 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. correspondence from the Chair of Governors and Headteacher of the school;
- f. a map showing the location of the school and other relevant schools; and
- g. 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 of “A drop in demand for primary school places in this area of the county, arising from a drop in the birth rate circa 5 years ago, has led to the level of surplus capacity at the school exceeding DfE recommended limits of between 5 and 10%.”

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 circumstances. 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. Mawsley Community Primary School is located in Mawsley, a newly built village in the borough of Kettering. The school opened in 2004 to serve the community. The nearest primary schools, based on the government's Get Information About Schools website, are Broughton Primary School, which is 1.4 miles away, Loddington CE Primary School, 1.58 miles away and Walgrave Primary School, 2.27 miles away. I wanted to know that, if the PAN were reduced at this school from 60 to 45 as proposed, there would be sufficient places for local children.

12. The school is part of the Kettering West Primary Planning Area of the authority. The local authority wrote "Pupil projection forecasts indicate a sustained decline in pupil numbers starting the school in forthcoming academic years, with expected to be in the region of 45 for September 2020 (75% of PAN) and 40 thereafter (66% of PAN). Reception starters in 2018 and 2019 have fluctuated between these figures and the level of surplus capacity is impacting on the staffing structure required by the school and is beginning to represent a risk to the long term financial viability of the school."

13. The proposal to reduce the PAN from two to 1.5 forms of entry will allow the school to move to mixed age classes and give them greater certainty when planning the numbers of staff required and "allow for more robust financial planning and improve the long term financial viability of the school."

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

September	PAN	Number of first preferences	Number of places allocated
2015	60	62	60
2016	60	55	58
2017	60	54	60
2018	60	46	49
2019	60	39	42
2020	60	44	45

15. It is clear that numbers applying for and being allocated places at the school have dropped since 2015. 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 45 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 forecast
2020	As above (allocated)
2021	40
2022	40

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 45 for the school, dependent on the application for the reduction in PAN.

18. With just 42 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 has confirmed that "Large and increasing amount of surplus capacity within the 'Kettering West' primary planning area means more than sufficient capacity in the immediate vicinity of Mawsley Community Primary School." 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.

20. The chair of governors and the headteacher at the school wrote to the LA on 26 May 2020:

“Governors met on 18th May and prior to this meeting you are correct, the proposed reduction in our PAN is something we have discussed both recently and when our previous head was in post.

We set out for you below the reasons why we wish to reduce the PAN of Mawsley Community Primary School from 60 to 45 from September 2020 and beyond:

- We have never been fully subscribed.
- The local authority, in light of what they thought would be some local development/expansion planned for the village, ‘pushed’ us to increase to 2FE. We use the word ‘pushed’ with due care as it accurately describes how we felt at the time.
- Some families have remained here/are staying here and moving to other properties.
- Families with younger children are not moving here as they did in the earlier years of village growth.

We see reducing our PAN as the best mechanism for providing greater financial certainty in future years.”

21. The local authority has commented in its application that it wishes the reduction in PAN to apply ‘per year group’. I must make it clear that the PAN applies only to each ‘relevant year group’ for the year in question. Footnote 11 of the Code sets out: “This is the age group at which pupils are or will normally be admitted to the school e.g. reception, year 7 and year 12 where the school admits external applicants to the sixth form.” Applications to other year groups in the school should be considered by the admission authority and the decision taken on the grounds of whether the admission of another child would prejudice the provision of efficient education or the efficient use of resources.

Summary

22. 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 45. 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

23. 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 Mawsley Community Primary School. Kettering for September 2020 and September 2021.

24. I determine that the published admission number for September 2020 and September 2021 will be 45.

Dated: 2 October 2020

Signed:

Schools Adjudicator: Lorraine Chapman