



Office of
the Schools
Adjudicator

Determination

Case reference:	VAR1935
Admission authority	Warwickshire County Council for Wootton Wawen Church of England Primary School in Wootton Wawen, Henley-in-Arden
Date of decision:	17 November 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 Warwickshire County Council for Wootton Wawen Church of England Primary School for September 2021.

I determine that the published admission number will be 15 for admissions in 2021.

The referral

1. Warwickshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 for Wootton Wawen Church of England Primary School (the school), to the adjudicator. The school is a voluntary controlled school for children aged four to eleven in Wootton Wawen, Henley-in-Arden. The local authority is the admission authority for the school.
2. The proposed variation is that the published admission number (PAN) should be reduced from 24 to 15 for September 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 12 October 2020, supporting documents and further information in response to my enquiries;
- b. the determined arrangements for 2021 and the proposed variation to those arrangements;
- c. information available on the websites of the local authority and the Department for Education;
- 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 with the comments received on the proposed variation from the appropriate bodies.

7. I have also taken account of the information I received during telephone conversations I have held with a representative of the local authority.

The arrangements and the proposed variation to the arrangements

8. Before addressing the proposed variation, I need to comment on the arrangements for the school as a whole. As noted above, the local authority is the admission authority for this voluntary controlled school as it is for all other voluntary controlled schools and community schools in its area. At the same time as this request for a variation to the arrangements for this school was referred to me so was a request for a variation to the admission arrangements for Tysoe Church of England School which is another voluntary controlled school in Warwickshire. I determined that case in VAR1936. In that case I used my powers under section 88I of the Act to consider the arrangements as a whole and found a number of ways in which they did not conform with the requirements relating to

admissions. To the extent that the arrangements for Tysoe and this school are the same my findings in VAR1936 apply also to Wootton Wawen and, indeed, to all other voluntary controlled and all community schools in the local authority. As I stated in VAR1936 the Code requires the local authority as the admission authority to revise the arrangements so that they do conform with the law relating to admissions and the Code.

9. I turn now to the request for a variation. The school is located in a largely rural area with only two other state funded primary schools admitting children to reception year (YR) within three miles. The school, as with other community and voluntary controlled schools for which the local authority is the admission authority, has a catchment area as part of the oversubscription criteria in its admission arrangements. The chair of the governing board said in response to the consultation on this proposed variation, *“It is unfortunate with an aging population in our area together with the lack of affordable housing for young families we find an intake of 24 difficult to sustain.”* The local authority said in its request for the proposed variation, *“This change seeks to assist the school governing body to plan for long-term stability, a consistent structure and a sustainable financial position, providing a secure foundation for high quality educational outcomes for all pupils.”*

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 circumstance 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. The local authority has confirmed that the notification has taken place as required by the Code. I have seen confirmation from the school’s governing board that it supports the request for the variation. I am satisfied that all relevant bodies have been notified and that views expressed have been taken into consideration. I find that the appropriate procedures were followed.

Consideration of proposed variation

12. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views or to object to the adjudicator if they wish to do so. As it happens, this is particularly important in the case of reductions to PAN. This is because once the PAN has been set then no body except the governing board of a community or voluntary controlled school can object to the PAN’s remaining the same in future years. The school is expected to become an academy in April 2021. This timing means that it will be for the local authority to determine the PAN for 2022 as that must be done by 28 February 2021. The local authority has expressed no intention of consulting on the PAN for 2022 and has said that it expects the academy trust, which will assume responsibility for the admission arrangements of the school, to continue to set the PAN at 15 if I agree to the variation.

13. 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 24 to 15 for September 2021; considered the demand for places at the school; the reasons given for the change; the potential effect on parental preference; and whether the change is justified in these circumstances.

14. 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 one of three schools admitting children to reception year in its planning area. Table 1 below summarises the number of children admitted to these schools in recent years and the forecast of future demand.

Table 1: places allocated in the planning area and forecast demand

	2018	2019	2020	2021	2022
Total PAN	66	66	66	66	66*
Number of children admitted	46	29	48	41 (forecast)	40 (forecast)
Number of vacant places	20	37	18	25	26

*Figure assumes no changes to any PAN

15. Table 1 shows that there is a significant number of vacant places in the planning area and that this is forecast to continue. For admissions in 2020 there were 18 vacant places, the lowest number for the years shown, which is more than 27 per cent of all the places available. If the PAN for the school were reduced by nine (as requested) then there would be 57 places in the planning area and the forecast need for 41 places for admissions in 2021 would still anticipate 16 vacant places within the planning area. I am assured by the information provided to me that there would be sufficient places in the planning area if the PAN for the school were reduced to 15. I will now consider the number of admissions at the school as shown in Table 2.

Table 2: recent admissions to the school

	2018	2019	2020
PAN for the school	24	24	24
Number of first preferences for the school	21	6	16
Number of children admitted	22	7	16
Number of vacant places	2	17	8

16. I note that 22 children were admitted in 2018; considerably more than the proposed PAN of 15. In 2020, 16 children were admitted. This is again more than the proposed PAN

so I asked the local authority if it had further evidence which could support its case that parental preference would not be unduly frustrated if the PAN were reduced to 15.

17. The local authority expressed its view that the number of admissions in 2020 was because of an unusually high number of births in the relevant year. The local authority also explained that there was considerable movement with some children in the catchment area attending schools elsewhere and others from outside the catchment area preferring to attend the school. The local authority also provided the number of children of the relevant age registered with a doctor and living in the catchment area. This is shown in table 3.

Table 3: number of children registered with a doctor and living in the catchment area for the school by relevant year (as of October 2019)

Year of admission	2019	2020	2021	2022
Number of children registered	12	21	13	14

18. The information provided in table 3 supports the case made by the local authority that in 2020 there were more children living in the area seeking admission to YR than is expected to be the case for 2021 or 2022. In 2019, for example, when 12 children of the relevant age were registered with a doctor, there were seven children admitted to the school. This evidence supports the view that fewer than 15 children will seek admission to the school in 2021 or 2022 and so parental preference is unlikely to be frustrated if the PAN were reduced to 15.

19. An admission number of 15 could lead to 45 children across the infant classes so I asked why this number was chosen; 45 does not appear to lend itself easily to meeting infant class size regulations. Infant class size regulations require 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 qualified teacher.

20. The local authority explained to me that, *“The school intends to arrange classes with up to 15 pupils in Reception and up to 30 pupils in a combined Year 1 and Year 2 class.”* If the PAN were to remain at 24 then, with the potential volatility in the number of admissions with children coming from other areas, it would be more complicated for the school to plan its class organisation. There is, therefore, some justification to reduce the PAN at this point, albeit not obviously pressing.

21. The information provided to me assures me that there would be sufficient school places in the planning area if the PAN were reduced to 15. Furthermore, the evidence provided suggests that there would be sufficient places at the school for those living in the school’s catchment area in 2021 and 2022. Overall, it would appear that a PAN of 15 would

not unduly frustrate parental preference and could support the school in its organisation. In these circumstances I agree that the PAN should be 15 for 2021.

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 Warwickshire County Council for Wootton Wawen Church of England Primary School for September 2021.

23. I determine that the published admission number will be 15 for admissions in 2021.

Dated: 17 November 2020

Signed:

Schools Adjudicator: Deborah Pritchard