



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2091

**Admission authority:** Coventry City Council for Coundon Primary School

**Date of decision:** 8 December 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 Coventry City Council for Coundon Primary School for September 2021.**

**I determine that the published admission number shall be 60.**

## The referral

1. Coventry City Council (the council) has referred a proposal for a variation to the admission arrangements for September 2021 for Coundon Primary School (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 3 to 11 in Coventry.
2. The proposed variation is to reduce the published admission number (PAN) from 90 to 60.

## 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 council dated 2 December, supporting documents and the council’s response to my enquiries;
  - 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;
  - d. a map showing the location of the school and other relevant schools; and
  - e. a copy of the notification to the appropriate bodies about the proposed variation.

## The proposed variation

7. 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.
8. Paragraph 3.6 of the Code also requires that the appropriate bodies in the relevant area be notified of a proposed variation. The council has provided me with a copy of its notification on the proposed variation and the list of schools and other bodies to which it was sent. 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 I have been told that no comments have been received. I find that the appropriate procedures were followed.

## Consideration of proposed variation

9. In its application for this variation, the council said:

“There has been a significant decrease in numbers of children living in the surrounding area for the school within the planning area. This is a pattern which is being repeated across many parts of the city. As a result there are increasing

numbers of surplus places which has an impact on parental preference as applicants are able to gain places at a wider range of schools. The changes to parental preference patterns have been fed into our forecasting data along with the latest birth data for 2024 entry and this was shared with schools at the end of October 2020 in planning area meetings. Predicted intakes for Coundon primary dropped from 78 to 63 for 2021, and from 82 to 67 for 2022.”

10. The council explained that the school has been undersubscribed for some years and this had led to financial problems. The council said:

“The reduction in PAN from 2021 will enable the school to immediately reorganise reception into two forms of entry, and potentially to consider capping in year admissions in two other year groups to reduce class numbers. A phased transition will then take place to organise as a 2 form of entry school able to maximise their financial and educational effectiveness and ensure an improvement in the stability of the school.”

I am concerned that the council appears to consider it necessary to reduce the PAN for 2021 in order to “immediately reorganise reception into two forms of entry” and “to consider capping admissions in two other year groups”.

11. The PAN I have been asked to vary is the PAN for 2021. It applies to the year group which will be joining the school in September 2021 for that academic year and to no other year group. The number of places available in the current reception year until August 2021 is governed by the PAN that was set in the arrangements for 2020. The organisation of classes across the school is a matter for the headteacher and governing board taking into account the constraints of infant class size legislation. Decisions about admission to other year groups must be taken on the grounds of prejudice to the provision of efficient education or the efficient use of resources. These matters are not dependent on the PAN for 2021. To put it very bluntly, a PAN of 60 for 2021 does not “cap” the number of places available in any of Years 1 to 6 at 60. A place in any of those year groups can be refused only if prejudice would arise if a child were to be admitted.

12. The council is consulting on setting a PAN of 60 for the school in 2022.

13. For the purpose of planning school places, Coventry is divided into 14 planning areas. The school is in the Coundon planning area with one other primary school, an infant school and a junior school. Between them the schools have offered 240 reception places since 2018. The number of places allocated in the last three years is shown in the table below together with the forecast for 2021.

<b>School (PAN)</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021 (Forecast)</b>
Coundon (90)	58	83	66	63
Hollyfast (90)	80	79	78	74

<b>School (PAN)</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021 (Forecast)</b>
Christ the King (60)	60	60	60	56
Total (240)	198	222	204	193

It is apparent that if there were only 210 places available in the area it would be sufficient to meet the expected demand. With just 60 places available at the school, there may be a small number of parents who may need to be offered a place at a school they preferred less than Coundon, but there will be other places available in the other two schools in the area.

14. The Department for Education database (Get Information about Schools) lists 32 other primary schools within two miles of the school. In order to satisfy myself that places in this planning area would not be required to support a neighbouring one, I asked the council about the supply of places in other planning areas. The data provided showed that all four neighbouring planning areas have had unfilled reception places in the last three years even though the number of places offered in two of them has been reduced. It is forecast that there will be 133 unfilled places across those four areas in 2021.

15. I have formed the view that reducing the PAN at the school from 90 to 60 will not lead to a shortage of reception class places in the area or significantly affect the proportion of parental preference that can be met.

16. I reiterate that reducing the PAN for 2021 to 60 will not affect any other year groups, but it will allow the school to plan to organise the 2021 reception intake into two financially efficient classes. For these reasons I approve the proposed variation.

## **Determination**

17. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Coventry City Council for Coundon Primary School for September 2021.

18. I determine that the published admission number shall be 60.

Dated: 8 December 2020

Signed:

Schools Adjudicator: Phil Whiffing