



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2149

Admission authority: Brighton and Hove City Council for Benfield Primary School in Portslade, in the area of Brighton and Hove City Council

Date of decision: 6 July 2021

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 Brighton and Hove City Council for Benfield Primary School for September 2021.

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

The referral

1. Brighton and Hove City Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 (the arrangements) for Benfield Primary School (the school) to the adjudicator. The school is a community school for children aged four to eleven in Portslade, an area to the west of Hove in the local authority area of Brighton and Hove Council.
2. The proposed variation is that the published admission number (PAN) is reduced from 60 to 30.

Jurisdiction and procedure

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. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code). The information I have considered in reaching my decision includes:

- a. the referral from the local authority dated 14 June 2021, supporting documents and further information provided at my request;
- b. the determined arrangements for 2021 and the proposed variation to those arrangements;
- c. a map showing the location of the school and other relevant schools; and
- d. information available on the websites of the local authority and the Department for Education (the DfE).

5. Paragraph 3.6 of the Code requires that the appropriate bodies in the relevant area be notified of a proposed variation. The local authority has provided me with confirmation that the appropriate bodies have been notified. I have seen confirmation from the school's governing board that it was consulted on the proposed variation. I find that the appropriate procedures were followed and I am satisfied that the proposed variation is within my jurisdiction.

The proposed variation

6. The proposed variation is that the PAN is reduced from 60 to 30 for admissions in 2021.

7. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be varied, that is changed or revised, 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.

Consideration of proposed variation

8. The local authority consulted on reducing the PAN from 60 to 30 for 2022 and following the consultation set the PAN for the school at 30. As the PAN for the school for 2022 has already been set at 30, the only year of admission to be affected by the proposed variation is 2021 and my consideration is therefore for 2021 only. I have scrutinised the data to assess if there will be sufficient school places in the local area if the PAN is reduced from 60 to 30 for September 2021. I have also 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.

9. 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 seven schools admitting children to reception year (YR) in its planning area, which is known as the Portslade Planning Area (the planning area). Table 1 below summarises the number of children admitted to these schools in recent years.

Table 1: number of children admitted to YR in schools in the planning area in recent years

	2019	2020	2021
Sum of PANs of schools in the planning area	300	300	300
Number of children admitted or allocated a place	274	249	239
Vacant places	26	51	61
Number of vacant places as a percentage	9%	17%	20%

10. Table 1 shows that the number of vacant places in the planning area has more than doubled from 2019. I note that the DfE website, 'Find and compare schools in England', shows seven schools admitting children to YR within one mile of the school, not all in the planning area. If the PAN for the school were reduced to 30 for 2021, thus reducing the number of vacant places to 31, then there would still be over 11 per cent vacant places. Based on the information available to me I therefore consider that there will be sufficient places for children moving into the area and seeking a place in YR for 2021 if the PAN is reduced as proposed.

Table 2: number of children admitted to or allocated a place at the school

	2019	2020	2021
PAN	60	60	60
Number of children	48	33	30
Vacant places	12	27	30

11. Table 2 shows the school has 30 vacant places for 2021 after allocations have been made and a declining trend in places sought and accepted at the school over the past few years. The local authority said that "The school is at risk of being required to open a second class and employ a further teacher for a total number of pupils that is likely to be a significant strain upon the school's budget."

12. Schools are largely funded based on the number of children admitted. Children in YR are infants as infant classes are those where the majority of children will reach the age of 5, 6 or 7 during the school year. The School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) require that infant classes must not contain more than 30 pupils with a single qualified school teacher except in specific circumstances. It is advantageous, where schools seek to teach in classes all from one year

group, for the number of children in each year group to be either a multiple of 30 or close to that number which is an economically efficient model.

13. There are 32 children in the current YR (one fewer than the 33 admitted in 2020) taught in two classes, one of 15 and one of 17. This is an expensive model. It would be possible for the school to arrange its classes into mixed year groups and have more financially efficient numbers. However, the school has organised all its classes so that each class only contain children from single year groups and this is its choice.

14. For 2021, 30 children have been allocated places and they could be taught in one class group which would be a very financially efficient model. However, if the PAN remained at 60 and further children sought a place then they would have to be admitted until the PAN was reached. This is because places cannot be refused below the PAN in a normal year of entry. If the number of pupils admitted to YR rose to, for example, 31, then the school would have to adjust its class structure accordingly. This could be by having a second class so that there were around 15 children each, which would be an expensive model or by mixing year groups. Whatever structure the governing board and headteacher decide, if the PAN remains at 60 then the number of children could still increase or decrease over the year leading to more changes being needed which could make it challenging for the school to provide economic and efficient learning.

15. If the PAN for the school were 30 then the school could plan for one class of up to 30 children. This would be advantageous in terms of class organisation, financial efficiency and creating stable classes which are beneficial for teaching and learning. I have established that no more than 30 children have been allocated places at the school for 2021 and there would be additional places available in the area if more children required a place after allocations. As there is little likelihood of parental preference being frustrated and it would be advantageous to all concerned that the PAN is set at 30, I find that the variation is justified by the circumstances and approve the proposed variation.

Consideration of the arrangements

16. When considering this objection, I noted that there was a way in which the arrangements did not conform with the Code. However, I have considered this matter in another determination regarding the admission arrangements for another school for which the local authority is the admission authority (case reference ADA3758). Therefore, I have decided not to duplicate consideration of this matter here.

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 Brighton and Hove City Council for Benfield Primary School for September 2021.

18. I determine that the published admission number for 2021 will be 30.

Dated: 6 July 2021

Signed:

Schools adjudicator: Deborah Pritchard