



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2138

**Admission authority:** Warwickshire County Council for St Giles Junior School, Exhall, Coventry

**Date of decision:** 16 July 2021

## Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed reduction in the published admission number for 2021 determined by Warwickshire County Council for St Giles Junior School, Exhall.

I determine that for September 2021 the published admission number will be reduced from 60 to 33.

## The referral

1. Warwickshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 for St Giles Junior School, Exhall (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 7 to 11.
2. The proposed variation is to reduce the published admission number (PAN) from 60 to 33 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 form dated 5 May 2021, supporting documents and responses 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. the Ofsted report for the inspection of the school that took place in July 2019;
  - e. a map showing the location of the school and other relevant schools; and
  - f. a copy of the notification to the appropriate bodies about the proposed variation.

## The proposed variation

7. The school is a junior school that receives most of its pupils from Exhall Cedars Infant School, the infant school has a PAN of 60. The 2021 arrangements were determined by the local authority on 20 February 2020. The arrangements include a PAN of 60 for the junior school, the proposed variation is to reduce the junior school PAN for 2021 from 60 to 33.
8. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be revised, 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 requested reduction in PAN to 33 is justified by the change in circumstances.
9. Paragraph 3.6 of the Code also requires that the appropriate bodies in the relevant area are notified of a proposed variation. I am satisfied that the required notification was made. I have seen confirmation from the school’s governing board that it supports the request for the variation. I am satisfied that the appropriate procedures were followed.

## Consideration of proposed variation

10. When an admission authority wishes to reduce the PAN at a school, it is required to consult parents and others listed in paragraph 1.44 of the Code for at least six weeks before it determines its arrangements. This allows public scrutiny of the proposed new PAN. Once arrangements have been determined, they may only be varied in limited circumstances. The variation process is set out in paragraph 3.6 of the Code. That process is designed for use when there is a “major change in circumstances” occurring since the arrangements were determined. An example of a major circumstance might be where an unanticipated problem occurs with a school building requiring remedial work that temporarily reduces the capacity of the building without leaving time to consult on any necessary changes to admission arrangements. The variation process does not include the wider consultation process. In this case the variation requested is for reduction in the PAN from 60 to 33 at the school for September 2021. I am concerned that parents and others should be able to have their views fully considered when changes are made to admission arrangements whenever possible and as required by the Code.

11. Paragraph 1.3 of the Code requires a local authority to consult the governing board of a community or voluntary controlled school if it intends to keep the same PAN for the next year. There is no requirement to consult with parents or other bodies and only the governing board may object to the PAN remaining the same.

12. This school is a junior school and is linked to Exhall Cedars Infant School. The local authority provided the admission numbers for the infant school in its variation proposal. The 47 children admitted to the infant school in 2018 will transfer to Y3 in the junior school or elsewhere in 2021 and the 2019 intake will transfer in 2022.

	2018 Admissions	2019 Admissions	2020 Admissions	2021 Admissions applications	2022 Admissions (forecast)
Exhall Cedars Infant School (PAN 60)	47	48	40	45	45
St. Giles Junior School (PAN 60)	51	42	53	34	33

13. The figures in the table above show that of the 47 children admitted into Year R in 2018, 34 have applied for places in the junior school in 2021 giving a transfer rate of around 70 per cent. In response to my enquiry about these figures the local authority provided the table below that shows the choices that were made by families when seeking places for their children leaving Exhall Cedars Infant at the end of Y2 in July this year and so needing a place at a junior or primary school for September 2021.

Destination for September 2021	Numbers of applications from infant school	As percentage
All Saints Bedworth Church of England Primary School & Nursery	1	2%
Chetwynd Junior School	1	2%
Michael Drayton Junior School	1	2%
St. Giles Junior School	34	72%
St. James C of E Academy	1	2%
St. Michael's C of E Academy	3	6%
St. Paul's C of E Primary School, Nuneaton	1	2%
Out of county or to independent schools	5	11%
Total	47	

14. The local authority also explained that there are six schools in the planning area with combined PANs of 240 for admissions to Year R. The PAN of 60 for the junior school is not included because it pairs with the PAN of 60 for the infant school and so does not add to the total number of places available in any given year. The Year R admissions in 2018 totalled 196 indicating that there is spare capacity within the local schools for children moving into the area in 2021/2022 or leaving infant school and so requiring a place in Year 3.

15. The local authority explains that the major change in circumstances since the arrangements were determined is that “there has been a significant decline in pupil applications to St Giles Junior School for September 2021”. The table above shows a drop from 53 children in 2020 to 34 applications for September 2021. The local authority also points out that “St Giles Junior School is the only junior school in the Bedworth South West planning area. The normal point of entry for the other nearby schools is at Reception. St Giles Junior School leaders maintain a close relationship with Exhall Cedars Infant School, and are concerned that falling numbers at the infant school,

coupled with a typical transition of around 70 per cent of pupils to the junior school, will make the PAN of 60 at the junior school unsustainable.”

16. The local authority explained to me that the governing board is concerned that operating two classes in Year 3 will be financially unsustainable and that reducing the PAN to 33 provides greater certainty that only one class will be required for that school year group as it passes through the school. This is a junior school so unlike admission into Reception at Year R, the infant class size regulations do not apply here and the school can choose how large a class to create. It may not wish to have more than 33 children in a class or, perhaps, may have classrooms that cannot easily accommodate more than this, but if so it has not told me. The PAN does not apply beyond the year of normal admission, which in this case is Year 3; decisions about whether or not there are places available in the cohort in subsequent years, for example in Year 4, are made by the admissions authority and it is assumed that places will be offered if there is space available. The decision about whether or not there is space available is made on the basis of any potential prejudice to the efficient delivery of education or use of resources in the school. In this example it would be an argument about it being financially unsustainable to create a second class. If an applicant wishes to appeal against a refused application for in year admission they are permitted to do so to the admission authority’s independent appeal panel.

17. There is no indication from the admission numbers in previous years that there will be a significant number of in year applications made in 2021, and with the numbers given, I am satisfied that there will be an available place in a local school if a family moves to the area and seeks a place in a local school for their child. For these reasons I approve the reduction in PAN from 60 to 33 for September 2021.

18. I note that the local authority says that the transfer rate from the infant school has fallen to around 70 per cent and the figures supplied show that the infant school is not at full capacity. The admission authority has already set the junior school’s PAN for 2022 at 60 and a variation to this has not been sought at this time. The approval of the variation for 2021 does not affect the PAN for 2022 because the requested variation has come after the determination of the 2022 arrangements. For the avoidance of doubt this means that the school’s PAN for Y3 for 2022 remains at 60 until and unless a reduction is approved by means of a variation approved by the adjudicator. If the numbers continue as the local authority predicts then it is open to it to propose a variation for 2022 on similar grounds to that sought for 2021 once allocations are known in early 2022. The local authority has confirmed that it is considering undertaking consultation with parents and the other prescribed parties later in 2021 about the admission arrangements for 2023 before these arrangements are determined by the local authority in early 2022.

## Determination

19. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed reduction in the published admission number for 2021 determined by Warwickshire County Council for St Giles Junior School, Exhall.

20. I determine that for September 2021 the published admission number will be reduced from 60 to 33.

Dated: 16 July 2021

Signed:

Schools Adjudicator: David Lennard Jones