



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2111

**Admission authority:** West Northamptonshire Council for Hunsbury Park Primary School, Northampton

**Date of decision:** 12 August 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 Northamptonshire County Council for Hunsbury Park Primary School for September 2021.

I determine that the published admission number for admissions in September 2021 shall be 45.

## The referral

1. West Northamptonshire Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 for Hunsbury Park Primary School (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged four to eleven in Northampton.
2. The proposed variation is that the published admission number (PAN) be reduced from 60 to 45.

## 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, supporting documents and further information provided at my request;
  - 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;
  - e. a copy of the email notifying the appropriate bodies about the proposed variation; and
  - f. information available on the websites of the local authority and the Department for Education (the DfE).

## The proposed variation

7. The school is situated in Northampton; the DfE database shows 21 other schools which admit to the reception year within two miles of its postcode. The admission authority is now West Northamptonshire Council, a new unitary authority which came into being on 1 April 2021. The admission arrangements, including a PAN of 60, for 2021/22 were determined by the former Northamptonshire County Council, the school's admission authority at that time, on 14 January 2020. The local authority said that "local birth rates and [the local authority's] pupil projection forecasts indicate that less [sic] school places are needed locally, for as long as projections are available."

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 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 are notified of a proposed variation. The local authority has provided me with a copy of its notification on the proposed variation. I have seen confirmation from the school's governing board that it supports the request for the variation. I am satisfied that all appropriate bodies have been notified. I find that the appropriate procedures were followed.

## Consideration of proposed variation

10. There is no formal consultation required for a variation and so parents do not have the opportunity to express their views. Once the PAN has been set for a particular year then no body, except the governing board of a community or voluntary controlled school, can object if that PAN remains the same in subsequent years. Clearly it is desirable that PAN reductions are made via the process of determination following consultation as the consultation process allows those with an interest to express their views. It also allows for

objections to the adjudicator. None of this is afforded by the variation process. I should also make clear, for the avoidance of doubt, that I am considering only the PAN for 2021. The PAN of 60 for 2022 was determined by the former Northamptonshire County Council on 10 November 2020 and is not changed by my approval of the variation for 2021.

11. I have scrutinised the data to consider if there will be sufficient school places in the local area if the PAN is reduced from 60 to 45 for September 2021; 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 the circumstances.

12. The local authority has a duty to make sure that there are sufficient places for the children in its area and will assess the future number of places likely to be needed and how it will meet that need. Planning areas, groups of schools in the same area, are in place across the local authority. The school is located in the Abbeyfield primary planning area which includes seven other schools which admit to the reception year (YR). The data provided to me sets out the number of places in the planning area, the number of children in 2020 and 2021 and the number forecast in future years.

Table 1: number of places for admission to YR in the Abbeyfield planning area with forecast of demand based on existing PANs

	2020	2021	2022	2023	2024	2025
<b>Sum of PANs</b>	480	480	480	480	480	480
<b>Number of children admitted/expected to be admitted</b>	400	366	352	298	328	322
<b>Number of vacant places</b>	80	114	128	182	152	158
<b>Number of vacant places as a percentage</b>	17%	24%	27%	38%	32%	33%

13. Table 1 provides evidence that across the planning area there will be a high number of vacant places in 2021 and beyond. It does not take account of the proposed reduction in the school’s PAN for 2021. Removing 15 places would have only a minimal impact on the level of surplus places. The local authority wrote “Reducing the available capacity of planning area schools will be required to ensure all schools in the area maintain financial viability.” I shall comment further in this determination on the local authority’s statement.

14. I was told that there had been “a drop in birth rates within the local area” and the planning area had also seen “a huge drop in the rate of in-migration to the area since Brexit, which has also significantly impacted on the demand for primary school places in the area.”

15. In the notification of the proposed reduction in PAN, the local authority wrote “the level of surplus capacity in the planning area in which the school is located is in excess of DfE recommended limits. The DfE recommends that between 5 and 10% of the total capacity in any given planning area be retained as surplus, to allow for the placement of ‘In Year’ applicants requesting a school place, whilst allowing existing schools in the area to maintain financial viability.”

16. I turn now to the numbers at the school.

Table 2: number of first preferences and places allocated for the school

<b>September</b>	<b>PAN</b>	<b>Number of first preferences</b>	<b>Number of places allocated</b>
<b>2020</b>	60	28	38 (40 on roll as of 23 March 2021)
<b>2019</b>	60	30	35
<b>2018</b>	60	44	49
<b>2017</b>	60	28	39
<b>2016</b>	60	33	45
<b>2015</b>	60	36	58

17. Clearly the school has not admitted to its PAN of 60 for a number of years and the number of first preferences are, with one exception in 2018, well below the proposed PAN of 45. As of 27 May 2021, the school had 31 children allocated a place at the school for September 2021. The numbers applying to the school are well below PAN and the reduction in PAN will have little impact both on parental preference and reducing the capacity in the planning area. The local authority told me “These reduced numbers on roll have affected the school’s budget significantly and meant a restructure of staff at the school is necessary to mitigate against the budget impact of the lower number of pupils on roll.” It is difficult to see how this reduction in PAN for 2021 when the school has some 14 places vacant even with the reduction, will have the impact claimed by the local authority. The school of course would be required to admit additional pupils to a new PAN of 45 and arrange the classes to meet the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) requirements.

18. I asked the local authority how the school would organise its classes differently in September with a reduced PAN of 45. The local authority said, “The school will organise into 4 x classes within its Foundation and Key Stage 1 cohort (reduced from 6 classes/2 per year group), 3 x classes across its Year 3 and 4 cohorts (reduced from 4 x classes) and 3 x classes across its Year 5 and 6 cohorts (reduced from 4 x classes).” The headteacher amended this, “our EYFS [Early Years Foundation Stage] and KS1 will consist of 5 classes (2 x EYFS and 3 x year 1/2 classes) this will be a reduction of 1 class.”

19. I also asked how the reduction in PAN would improve the school’s financial position and was told, “Structuring the school in this manner obviously requires less teaching and support staff and it is in this manner that the school will address the financial difficulties that the current Headteacher inherited. The school/Head have worked intensively with colleagues in Schools Finance at the Local Authority to put in place a structure that will address the financial situation at the school and this is the product of that collaboration.”

20. It is clear that there are very high numbers of surplus places in the planning area. I asked the local authority whether the proposed reduction at the school was part of a wider strategy to remove surplus places. The local authority told me, “The need to reduce capacity in the planning area of which Hunsbury Park forms part is clear. This is the first PAN reduction that has been progressed at an area school and others will follow (however, these will be progressed via the annual LA led consultation for 2023).”

21. I wanted to know how a reduction in PAN at this school would impact other schools in the planning area. The local authority told me, “An overall reduction in capacity within the planning area will start to bring down the level of surplus capacity and allow area schools to structure appropriately based on demand and improve the financial viability of schools by

ensuring they fill to their PAN or close to it. As stated, this proposed PAN reduction would be the first and further reductions will follow to bring the level of surplus capacity down until they are closer to DfE recommended limits of circa 5%.”

22. It is reassuring to see the local authority has plans to reduce the capacity across the planning area. As it happened, the local authority had intended to apply for a reduction in PAN to 45 for this school for 2022 as well as for 2021 but I was unable to consider such an application as the appropriate bodies were not notified. I note that the admission arrangements for 2022 were determined on 10 November 2020. At that point the local authority then responsible for the school (that is the former Northamptonshire County Council) could have undertaken a consultation for six weeks (paragraph 1.43 of the Code) to reduce the PAN for 2022 before determining the arrangements for 2022 by 28 February 2021. That this was not done cannot and does not reflect on the new West Northamptonshire Council.

23. At this stage the PAN for 2022 can be reduced only by way of a variation. The number of places applied for at the school will be known early in 2022 and places will be offered in mid-April 2022. The school will have until the end of May 2022 to set its staffing levels based on the number of children that it expects to have on roll. If at that time, there is a need to adjust the PAN then an application could be made, and a decision taken based on the circumstances at the time. Furthermore, there would be an opportunity for the local authority, as it commented above, to undertake a full consultation with parents and others later in 2021 about the admission arrangements for 2023 before the arrangements are determined early in 2022.

24. In many respects this reduction in PAN does not take forward the local authority’s plans to reduce the capacity in the area, not least as a reduction of 15 places for one year only is a very small contribution towards reducing a surplus which stands at 29 for 2021 and is predicted to be 24 in 2022. However, the local authority sees it as a step in the right direction although there is clearly much more that needs to be done. On this basis, I am content to approve the variation for 2021.

## Determination

25. 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 Hunsbury Park Primary School for September 2021.

26. I determine that the published admission number for admissions in September 2021 shall be 45.

Dated: 12 August 2021

Signed:

Schools Adjudicator: Lorraine Chapman