



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2178

Admission authority: The Governing Board for Puttenham CE Infant School,
Guildford, Surrey

Date of decision: 21 September 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 the governing board for Puttenham CE Infant School for September 2021.

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

The referral

1. The governing board for Puttenham Church of England Infant School (the school) has referred a proposal for a variation to the admission arrangements for September 2021 (the arrangements) to the adjudicator. The school is a voluntary aided school for children aged four to seven in Puttenham, Guildford. The school's religious authority is the Diocese of Guildford and the local authority for the area is Surrey County Council.
2. The proposed variation is that the published admission number (PAN) is reduced from 40 to 30 for admissions in 2021.

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 deals with variations to determined arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) say (in so far as relevant here):

“3.6 Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a

determination of the Adjudicator or any misprint in the admission arrangements. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified. Where the local authority is the admission authority for a community or voluntary controlled school, it must consult the governing body of the school before making any reference.

3.7 Admission authorities **must** notify the appropriate bodies of all variations”.

4. The governing board has provided me with confirmation that the appropriate bodies have been notified. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variation is within my jurisdiction.
5. In considering this matter I have had regard to all relevant legislation, and the School Admissions Code (the Code).
6. The information I have considered in reaching my decision includes:
 - a. the referral from the headteacher on behalf of the governing board dated 21 July 2021 and supporting documents;
 - b. the determined arrangements for 2021 and the proposed variation to those arrangements;
 - c. comments on the proposed variation from the local authority;
 - d. a map showing the location of the school and other relevant schools; and
 - e. information available on the websites of the school, the local authority and the Department for Education.

The proposed variation

7. Puttenham is a village in Surrey, just south of Hog's Back which is the narrowest stretch of the North Downs. The next nearest school which admits to the reception year (YR) is 2.08 miles from the school's postcode and there are eight other schools admitting to YR within three miles. The school was judged as Outstanding by Ofsted in 2009. The arrangements for 2021/22 were determined by the governing board on 26 November 2019.
8. Paragraph 3.6 of the Code (as above) requires that admission arrangements, once determined, may only be revised, that is changed or 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.

Consideration of proposed variation

9. The school currently has a PAN of 40 and the governing board has already consulted and agreed to reduce its PAN to 30 for admissions in 2022. The governors had concluded that with continued falling admission numbers, a falling birth rate in the surrounding area and a surplus of YR places in the surrounding area, a reduction to a PAN of 30 would ensure “the financial sustainability and management of the school in order to provide the most appropriate learning environment for all pupils.”

10. In the 2021/22 admissions round 33 places were offered at the school of which 30 places were accepted. Because the school had decided to reduce the PAN to 30 for admissions in 2022 the school decided to ‘cap’ the number admitted in 2021 to the 30 children accepted at the school. The local authority, aware of the school’s intention to reduce the PAN to 30 in 2022, supported the school in capping the numbers admitted to 30. “The school then planned its class structures, pupil inductions and staffing arrangements based on the PAN of 30.”

11. Following the publication of the Office of the Schools Adjudicator Report for 2019/20, published on 13 May 2021, the local authority “informed the school that it had come to their attention that it is unlawful to cap the PAN for 2021/22 since the PAN had already been determined as 40.” The local authority consequently “offered places to 3 late applicants, none of which have accepted their place. 2 have cited their child being in a split class with few or no other children of their peer group as a reason for not accepting the place.” I should note at this point that the local authority is quite right in its assessment. Primary legislation as well as the Code are clear that in a normal year of admissions (that is YR for this school) a child cannot be refused admission where the number admitted is below PAN. There are extremely limited exceptions to this requirement which are not as it happens capable of being relevant at the beginning of a child’s YR.

12. The key point here is that, as set out in paragraph 3.6 of the Code, detailed above, once the admission arrangements have been determined they cannot be changed except with the approval of the schools adjudicator and in other limited circumstances. With the PAN still at 40, the school would be required to admit any late or in-year applications up to 40.

13. The School Admissions (Infant Class Sizes) (England) Regulations 2012 require that children are taught in class sizes of no more than 30 with one teacher with a very few and limited exceptions. Admitting more than 30 children to YR in 2021 would therefore require the school to employ an additional teacher or to allocate any such children to another class. As the school puts it, such children would be “possibly on their own or with only one or two of their Reception peers. This raises concerns that it would not be fair and would risk be (sic) detrimental to the child’s academic, social and/or mental health development.” The application continues “In addition, if the number of children actually admitted in 2021/22 exceeds 30, the school will be required to employ further support staff placing a further burden on the school which is already financially stretched as a result of falling admission

numbers. This would also present recruitment challenges as a number of schools in the area are also attempting to recruit support staff at present.”

14. The governing board met on 6 July 2021 and agreed that the headteacher should investigate applying for a variation to the PAN. I find it surprising that neither the school nor the local authority were aware of the provision in 3.6 of the Code but both moved quickly to apply for the reduction in PAN. Given that the school currently has only 30 children in YR and that the PAN has already been reduced for 2022, in these circumstances I am content to approve the variation. The PAN for 2021 will be 30.

Determination

15. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the governing board for Puttenham CE Infant School for September 2021.

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

Dated: 21 September 2021

Signed:

Schools adjudicator: Lorraine Chapman