



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2200-2201 Loddon Primary School

Admission authority: Wokingham Borough Council for Loddon Primary School, Earley

Date of decision: 10 December 2021

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by Wokingham Borough Council for Loddon Primary School for September 2021 and September 2022.

I determine that the Published Admission Numbers for 2021 and 2022 be reduced from 90 to 60.

I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the ways set out in paragraph 20 of VAR2196-2197.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the determination unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised within 14 days of the date of this determination.

The referrals

1. Wokingham Borough Council (the local authority) has referred proposals for variations to the admission arrangements for September 2021 and September 2022 for Loddon Primary School (the school, Loddon) to the adjudicator. The school is a coeducational community primary school for children aged 4 to 11 in Earley.

2. The proposed variations are reductions to the Published Admission Numbers (PANs) for both years. It is proposed that the PAN for Loddon Primary School be reduced from 90 to 60.

Jurisdiction

3. The referrals for Loddon were 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 variations are within my jurisdiction.

5. I am also satisfied that it is within my jurisdiction to consider the determined arrangements in accordance with my power under section 88I of the Act as they have come to my attention and to determine whether or not they conform with the requirements relating to admissions and, if not, in what ways they do not so conform. The local authority has also referred proposed variations to the admission arrangements of two other local primary schools for September 2021 and September 2022, namely The Colleton Primary School (VAR2196-2197) and Radstock Primary School (VAR2198-2199). These other two referrals are also proposed variations to the PANs. The local authority is the admission authority for all three schools and has determined the same admission arrangements for each of them. I have set out the findings I have made on the local authority’s admission arrangements using my section 88I jurisdiction in paragraph 20 of VAR2196-2197. I therefore do not propose to repeat them here.

Procedure

6. In considering this matter I have had regard to all relevant legislation, and the School Admissions Code (the Code).

7. The documents I have considered in reaching my decision include:

- a. the referral form from the local authority dated 19 October 2021 and supporting documents;
- b. the local authority’s determined arrangements for the school for September 2021 and September 2022 and the proposed variations to those arrangements;
- c. evidence that the governing board of the school has been consulted;

- d. a map showing the location of the school and other relevant schools; and
- e. copies of the email notifying the appropriate bodies about the proposed variations.

I understand that no comments have been received in response to the proposed variations from any of the appropriate bodies notified.

The proposed variations

8. The local authority completed a form entitled 'Request for a variation for admissions in September 2021' but indicated in the form that a request was also being made to reduce the PAN for admissions in September 2022. I am conscious that the application to reduce the PAN for September 2022 is being made at a late stage in an admissions process which is currently ongoing. Given that a) the composite prospectus has been published with the PAN of 90 as determined and b) primary applications are now open, I have considered carefully before approving a proposed PAN reduction at this stage in the process. Parents who are in the process of making applications will be basing their preferences and the prospects of their child being admitted on the belief that there are 90 Reception places available at the school.

9. The variations to the PANs for September 2021 and September 2022 have been requested because of a decreasing number of children in the Earley Planning Area requiring Reception places. This is the planning area in which the school is located. The decreasing number of children has meant that admissions to the school have fallen significantly. Only 60 pupils have been admitted to the Reception class of the school in the current school year against a PAN of 90. Projections indicate that this reduction in demand for places at the school is set to continue, which the local authority claims will lead to admissions in September 2022 also being below the PAN of 90. The number of places available in the Earley Planning Area is projected to be above the number of places required for both years. The local authority says that the projected demand for places in September 2023 is also projected to be below 90, therefore the local authority intends to reduce the PAN for that year through the usual annual process for determining admission arrangements for the school. I should say at this point that, if the PAN for September 2022 is reduced to 60 as a result of the variation being approved, this will become the PAN for September 2023. The local authority will not necessarily need to consult publicly if it wishes to retain a PAN of 60 for admissions in September 2023, although by regulation 14 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 it will need to consult the school's governing board.

10. The local authority has provided the following data showing the continuing decline in admissions to the school.

Schools	PAN	18/19 Allocated	19/20 Allocated	20/21 Allocated	21/22 Allocated
Aldryngton Primary	45	45	45	45	45
Earley St Peters Aided Primary	70	64	66	63	54
Hawkedon Primary	90	70	75	90	90
Hillside Primary	60	60	60	60	48
Loddon Primary	90	70	55	58	51
Radstock Primary	60	60	40	41	31
Whiteknights Primary	60	60	60	60	60
Grand Total	475	429	401	417	379

11. The local authority has also provided projected data for primary schools in the Earley Planning Area which show that the projected number of admissions to the school in 2022 is 52 and in 2023 the figure is 50. The data also show that there are surplus places in the area. The numbers in brackets show a surplus based upon the variations to Radstock and Loddon Primary School being approved. If no variation is approved for either Radstock or Loddon, there are 64 surplus places in 2021/22 and 97 surplus places in 2022/23; if the variation for Loddon is approved there are 34 surplus places in 2021/22 and 67 surplus places in 2022/23; if the variations for both Radstock and Loddon Primary Schools are approved, the surplus places are reduced to 19 in 2021/22 and 52 in 2022/23.

School	Nos	Nos	Expected Nos	Expected Nos	Surplus	Surplus	Expected Surplus	Expected Surplus
Year	2020/21	2021/22	2022/23	2023/24	2020/21	2021/22	2022/23	2023/24
Aldryngton Primary (PAN 45)	45	45	41	38	0	0	4	7
Earley St Peter's (PAN 70)	68	65	66	68	2	5	4	2
Hawkedon (PAN 90)	86	90	71	66	4	0	19	24
Hillside Primary (PAN 60)	56	55	55	58	4	5	5	2
Loddon Primary (PAN 90)	57	60	52	50	33	30 (0)	38 (8)	40 (10)
Radstock Primary (PAN 60)	40	36	37	36	20	24 (9)	23 (8)	24 (9)
Whiteknights Primary (PAN 60)	60	60	56	56	0	0	4	4
Total	412	411	378	372	63	64 (19)	97 (52)	103 (58)

12. The local authority has provided three reasons for the proposed variations to the PANs for September 2021 and September 2022. First, the proposed variations would enable the school to operate in a cost-effective manner in terms of the number of classes needed and the number of pupils in each class. The School Admissions (Infant Class Size) (England) Regulations 2012 provide that infant classes must contain no more than 30 pupils with a single qualified school teacher except in specific circumstances. The local authority says that having an admission number of 90 when only 60 or 52 children have been allocated places at the school creates the risk that, if further in-year applications are received, the school will be obliged to admit in-year applicants up to a PAN of 90 and will then need to create an additional class. This appears to be a strong possibility for admissions to the current school year and possibly for admissions in September 2022. The local authority says that it needs to ensure that the school is able to continue to operate in a financially sustainable manner. In order to ensure this, the PAN must not be allowed to exceed 60. If the school is forced to create an additional class, this will mean operating with inefficient small group classes throughout Key Stage 1.

13. Second, the authority says that the proposed PAN variations will create certainty for the school in terms of financial planning. The school needs to know how many staff are required each year and to put arrangements in place to recruit new staff in a timely manner to ensure it has a staff body with an appropriate mix of skills and experience. A risk of having to increase the number of staff at short notice means that recruitment may be from a much smaller pool of individuals.

14. Third, the local authority argues that the PAN reductions will enable the authority to reduce surplus places in the Earley Planning Area. The projections and current roll numbers indicate that, even with these PAN reductions, and even if the proposed PAN reductions for Radstock Primary School (which is also located in the Earley Planning Area) are approved, there would still be a surplus and sufficient capacity for any subsequent projected growth in rolls due to any unforeseen migration into the area. This would remain the case throughout the primary education phase without the local authority having to negotiate and fund additional places at short notice. Based upon the projected figures for admissions in September 2022, there would also be some places available for in-year admissions based upon a reduced PAN of 60. I am told that, if any child cannot be allocated a place at the school this year or next year, there are places available at alternative primary schools which are within two miles walking distance of the school site.

15. 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.

16. Paragraph 3.6 of the Code also requires that relevant parties be notified of a proposed variation. The local authority 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 have made no response. I find that the appropriate procedures were followed.

Consideration of proposed variations

17. The local authority has identified a major change of circumstances which has arisen since the arrangements for admission in September 2021 and September 2022 were determined, namely a decline in the number of children admitted to the school in September 2021, and a similar decline projected for admissions in September 2022. These circumstances are likely to cause financial difficulties and uncertainty for the school unless remedial action is taken to reduce the PANs for both years as proposed by the local authority. I am satisfied that the proposed variations will alleviate to some degree the difficulties which the school would face and that, if the proposed PAN reductions are not made, there will be adverse consequences for the school. This is particularly the case for admissions to Reception in the current year.

18. From the data and maps provided, it is clear that there is sufficient available alternative provision locally within easy access (indeed within two miles of the school site), therefore the PAN reductions are unlikely to cause additional traffic congestion or unreasonable additional burdens upon public transport. There does not appear to be any likely adverse impact upon other local schools. Although some other primary schools in the Earley Planning Area are fully subscribed, or close to being fully subscribed, there is a sufficient surplus (or predicted surplus) to accommodate children in the unlikely event that there are any children whose parents express a preference for Loddon but are not offered a place. The school has been undersubscribed at least since 2018, and the projected pupil numbers for the area indicate that this will continue to be the case. There have been no responses from relevant bodies to the notification about the proposed variation.

19. The local authority has identified the practical and budgetary challenges that result from the PAN of 90, and the circumstances of the school are such that more significant financial difficulties will be encountered if a PAN reduction does not take place immediately for in-year admissions under the 2021 arrangements. These same practical and budgetary challenges will also be present for admissions in September 2022 if the variation is not approved. Earlier in this determination, I mentioned my concern about the fact that the process for admissions to the school in September 2022 is currently ongoing, however there are still several weeks before the national closing date for primary admissions (15 January 2022), which will allow the variation to the PAN to be publicised by the school and the local authority. On this basis, I approve both proposed variations. The PAN for admissions to the school in September 2021 shall be 60 and the PAN for admissions to the school in September 2022 shall be 60.

Consideration of the arrangements

20. A number of matters were raised in a letter to the local authority dated 1 November 2021 as they appeared to contravene the Code. These are referred to in detail in paragraph 20 of VAR2196-2197 and I do not propose to repeat them here. Suffice to say that the local authority has considered these matters carefully and has agreed to make revisions to its admission arrangements for September 2021 and September 2022 in order to ensure compliance with the Code.

Summary

21. I find that the local authority has identified a major change of circumstances which has occurred since the admission arrangements for the school for September 2021 and September 2022 were determined, and that the variations requested are justified by the change in circumstances. In light of the decline in applications for places at the school in September 2021 and the continuing decline in applications predicted for September 2022, I have concluded that the proposed PAN reductions of 90 to 60 are a justified response to this change.

Determination

22. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by Wokingham Borough Council for Loddon Primary School for September 2021 and September 2022.

23. I determine that the Published Admission Numbers for 2021 and 2022 be reduced from 90 to 60.

24. I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the ways set out in paragraph 20 of determination VAR2196-2197.

25. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the determination unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised within 14 days of the date of this determination.

Dated: 10 December 2021

Signed:

Schools Adjudicator: Dr Marisa Vallely