



Office of  
the Schools  
Adjudicator

## Determination

### Case references:

<b>VAR2164</b>	<b>Ashlands Church of England First School</b>	<b>Voluntary Controlled</b>
<b>VAR2166</b>	<b>Haselbury Plucknett Church of England First School</b>	<b>Voluntary Controlled</b>
<b>VAR2167</b>	<b>Hinton St George Church of England Primary School</b>	<b>Voluntary Controlled</b>
<b>VAR2168</b>	<b>Merriott First School</b>	<b>Community</b>
<b>VAR2169</b>	<b>St Bartholomew's Church of England First School</b>	<b>Voluntary Controlled</b>

**Admission authority: Somerset County Council**

**Date of decision: 14 December 2021**

## Determination

**In accordance with section 88E of the School Standards and Framework Act 1998, we approve with modification the proposed variations to the admission arrangements determined by Somerset County Council for each of the above schools for September 2022 when each of the first schools will have become a primary school.**

**We determine that the published admission number for September 2022 in respect of each school shall be:**

<b>Ashlands Church of England Primary School</b>	<b>20</b>
<b>Haselbury Plucknett Church of England Primary School</b>	<b>8</b>
<b>Hinton St George Church of England Primary School</b>	<b>12</b>
<b>Merriott Primary School</b>	<b>20</b>
<b>St Bartholomew's Church of England Primary School.</b>	<b>20</b>

## The referral

1. Somerset County Council (the LA), which is the local authority for each of the above schools (the schools), has referred a proposal for variations to the admission arrangements for September 2022 (the arrangements) for each of the schools to the adjudicator. The schools are all situated within the Crewkerne area. Each of the schools is currently a first school for pupils aged 4 to 9 years old (Reception to Year 4), save for Hinton St George which became a primary school in September 2020. From 1 September 2022 each of the current first schools will be a primary school for pupils aged 4 to 11 (Reception to Year 6). Each school, except Merriott First School which is a community school, is a Church of England school within the Diocese of Bath and Wells (the diocese).
2. The proposed variations are to reduce the published admission number (PAN) for each school, details of which are set out below.

## Jurisdiction and procedure

3. The referral was made to us 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 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 LA has provided us with confirmation that the appropriate bodies have been notified. We find that the appropriate procedures were followed, and we also satisfied that the proposed variations are within our jurisdiction.
5. In considering this matter we have had regard to all relevant legislation, and the School Admissions Code (the Code).
6. The information we have considered in reaching our decision includes:
  - a. the referral from the local authority dated 30 June 2021, along with supporting documents;
  - b. the LA’s determined arrangements for 2022 and the proposed variations to those arrangements;
  - c. comments on the proposed variations from the schools;
  - d. a map showing the location of the schools and other relevant schools;
  - e. information available on the websites of the local authority, the school, and the Department for Education; and
  - f. consultation and LA Cabinet documents relating to the implementation of changes in the school estate in the Crewkerne and Ilminster areas from September 2022.
7. We have also taken account of information received during a meeting conducted with representatives of the LA, the diocese, the schools, and Wadham School, which took place on 24 November 2021.
8. A revised Code came into effect on 1 September 2021. Since the requested variations and the responses to them were framed in terms of the 2014 Code, we shall use the references to it which have been made by the parties to the case and will indicate only if the new Code differs in any respect. It is of course the revised version of the Code which is now in force.
9. When the arrangements for the school were determined, the 2014 Code then in force provided that children previously looked after in England and then adopted or made subject to a child arrangements or special guardianship order should have equal highest priority with looked after children in school admission arrangements (subject to certain exemptions in schools with a religious character). The new Code has extended the level of priority for looked after and previously looked after children to children who appear (to the admission

authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. All admission authorities were required to vary their admission arrangements accordingly by 1 September 2021. There was no requirement for this variation to be approved by the adjudicator and no reason for the LA to send us its varied arrangements. We have made our determination in these cases on the basis that the admission authority will have varied its arrangements in order to comply with the new requirements as set out above.

## The proposed variations

10. The proposed variations are set out in the table below. We have added the number of pupils by which the PAN is reduced and the percentage of the determined PAN which this represents. The LA has also expressed an intention to maintain the proposed PAN up to and including 2025 and then in 2026 to increase the PAN of each of the schools (the 2026 PAN) as set out in the final column:

<b>Case Number</b>	<b>School</b>	<b>Current PAN 2022</b>	<b>Proposed Reduced PAN 2022</b>	<b>Reduction by number (and per cent)</b>	<b>Proposed PAN for 2026</b>
<b>VAR2164</b>	<b>Ashlands Church of England School</b>	<b>30</b>	<b>10</b>	<b>20 (66)</b>	<b>20</b>
<b>VAR2166</b>	<b>Haselbury Plucknett Church of England School</b>	<b>12</b>	<b>8</b>	<b>4 (33)</b>	<b>12</b>
<b>VAR2167</b>	<b>Hinton St George Church of England School</b>	<b>12</b>	<b>8</b>	<b>4 (33)</b>	<b>12</b>
<b>VAR2168</b>	<b>Merriott First School</b>	<b>24</b>	<b>10</b>	<b>14 (58)</b>	<b>20</b>
<b>VAR2169</b>	<b>St Bartholomew's Church of England School</b>	<b>36</b>	<b>10</b>	<b>26 (83)</b>	<b>20</b>

11. 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. We will consider below whether the variations requested are justified by the change in circumstances.

## Consideration of proposed variations

12. These variations constitute part of a group of variations requested for seven schools in the area of Crewkerne and Ilminster and which result from a wider school reorganisation undertaken by the LA for September 2022. The LA requested variations to the PAN for Year 9 for Wadham School from 230 to 160 for September 2021 (case reference number VAR2171) and from 230 to 160 for Year 7 for September 2022 (case reference number VAR2170), by which time Wadham School will have become a secondary school. The LA also requested a variation of the PAN for Greenfylde School from 76 to 75 for September 2022 (case reference number VAR2165) when Swanmead Middle School will have closed and Greenfylde will have become a split site primary school using its existing site and the site of the former Swanmead Middle School. Each of these proposed variations has been agreed by us without modification and the determinations have been published.

13. The LA set out the overall context for the variations as follows:

“In March this year [2021] our Cabinet determined statutory proposals to change the structure of education in the Crewkerne and Ilminster area of Somerset from a three tier system to a two tier system. This decision was a culmination of many years debating the school structure in the area which involved judicial review proceedings along the way. Pre-publication consultation was carried out in the autumn term 2020 and the variations that have been submitted today were the subject of much discussion during the course of this consultation.

One of the overarching factors in this complex piece of work is that our consultation activity over many years has demonstrated that the single greatest point of consensus in a community that has long been divided on this issue, is that small, rural schools should be preserved and protected. We consider this to be the overriding collective parental preference in this community. With regards to Crewkerne in particular, the evidence tells us that we can only secure the future of these small rural schools by setting PANs across the town and surrounding villages at a level below the number of pupils in the forecast. This deliberate approach is intended to secure sufficient pupils to sustain the smallest schools.”

14. In the report presented to the Cabinet in respect of the proposed changes to the structure of education in the area, it was stated that:

“There have been concerns about falling pupil numbers in the Crewkerne and Ilminster area, the consequential effect in being able to deliver high quality education, the detrimental effect on the curriculum, increasing costs and the resulting financial unsustainability in the three-tier school arrangements in the area for over a decade.”

15. The LA set out its full proposals as follows:

“In accordance with the Department of Education’s statutory guidance as set out in 'Making Prescribed Alterations to Maintained Schools' and 'Opening and Closing Maintained Schools', I am writing to confirm that the Local Authority, as the decision maker, has determined the following prescribed alterations and closures to take effect from September 2022. These prescribed alterations and closures will change the current school system in the Crewkerne and Ilminster area of Somerset from a three-tier to two-tier system.

	<b>School/Category/ DfE Number</b>	<b>Proposed prescribed alterations (including proposed changes to the published admission number)</b>	<b>Implementation Date</b>
1	Wadham (Voluntary Controlled) DfE number 933/4508	<ul style="list-style-type: none"> <li>• Change of age range from 13-19 to 11-19</li> <li>• The published admission number to reduce from 230 to 160 for year 7</li> </ul>	September 2022
2	Greenfylde First School (Voluntary Controlled) DfE number 933/3066	<ul style="list-style-type: none"> <li>• The amalgamation of Greenfylde with Swanmead to form a single primary school.</li> <li>• This would be achieved by the closure of Swanmead and a significant enlargement of Greenfylde.</li> <li>• Change of age range from 4-9 (First) to 4-11 (Primary). This would be a split site primary school over the existing Greenfylde and Swanmead sites.</li> <li>• Significant enlargement from the current 380 places to 525 places.</li> <li>• The published admission number to reduce to 75, a reduction of 1 from the existing Greenfylde limit of 76.</li> </ul>	September 2022
3	Swanmead Middle School (Community) DfE number 933/4288	<ul style="list-style-type: none"> <li>• The amalgamation of Swanmead with Greenfylde to form a single split site primary school.</li> <li>• This would be achieved by the closure of Swanmead and a significant enlargement of Greenfylde.</li> </ul>	August 2022
4	Merriott First School (Community)	<ul style="list-style-type: none"> <li>• Change of age range from 4-9 (First) to 4-11 (Primary).</li> </ul>	September 2022

	DfE number 933/2046	<ul style="list-style-type: none"> <li>The published admission number to decrease initially from 24 to 10 for the first 4 years of operating as a primary school, with a subsequent increase to 20 from 2026.</li> </ul>	
5	Haselbury Plucknett First School (Voluntary Controlled) DfE Number 933/3278	<ul style="list-style-type: none"> <li>Change of age range from 4-9 (First) to 4-11 (Primary).</li> <li>The published admission number to decrease initially from 12 to 8 for the first 4 years of operating as a primary school, with a subsequent increase to 12 from 2026.</li> </ul>	September 2022
6	Ashlands First School (Voluntary Controlled) DfE Number 933/3035	<ul style="list-style-type: none"> <li>Change of age range from 4-9 (First) to 4-11 (Primary).</li> <li>The published admission number to decrease from 30 to 10 for the first 4 years of operating as a primary school, with a subsequent increase to 20 from 2026.</li> </ul>	September 2022
7	Misterton First School (Voluntary Controlled) DfE Number 933/3080	<ul style="list-style-type: none"> <li>To close the school.</li> <li>Those pupils who are displaced to transition to a preferred nearby primary school.</li> </ul>	August 2022
8	St Bartholomew's First School (Voluntary Controlled) DfE Number 933/3037	<ul style="list-style-type: none"> <li>Change of age range from 4-9 (First) to 4-11 (Primary).</li> <li>The published admission number to decrease initially from 36 to 10 for the first 4 years of operating as a primary school, with a subsequent increase to 20 from 2026.</li> </ul>	September 2022
7	Hinton St George Primary School (Voluntary Controlled) DfE Number 933/3064	<ul style="list-style-type: none"> <li>To note this school became a designated primary school in September 2020.</li> <li>The published admission number to decrease initially from 12 to 8 from 2022, with a subsequent increase to 12 in 2026.</li> </ul>	September 2022

There are also three academy schools within the area. Two of these, St Mary and St Peter's Church School (933/2044) and Shepton Beauchamp Church School (933/2049) have been designated primary schools for some time.

Maiden Beech Academy (933/4287) is a middle school in Crewkerne and part of the Bridgwater and Taunton College Trust. To provide an overview of all the proposals, I can advise that the Bridgwater and Taunton College Trust consulted on a proposal in parallel with the local authority statutory consultation. The linked proposal is that Maiden Beech would change its age range from 9-13 to 4-11 with a proposed published admission limit of 30. The proposed significant change to Maiden Beech Academy would be determined by the Regional Schools Commissioner in May this year.”

16. The change of age range at Maiden Beech Academy has been approved by the Regional Schools Commissioner (RSC). From September 2022 it will become a primary academy school with a PAN of 30.

17. The process that the LA has followed to restructure the schools in the Crewkerne and Ilminster area is not the concern of this determination. However, we have looked at consultation documentation and the report for the Cabinet meeting in March 2021. We have also noted that the outcome of the recent judicial review of the LA’s decision (see *WC & Anor, R (On the Application Of) v Somerset County Council* [2021] EWHC 2936 (Admin) (04 November 2021)) made clear that, in the areas covered by the judgment, the LA followed the required process.

18. The Code permits a variation to be requested if there is a major change in circumstances. The Cabinet decision was not made until 17 March 2021, which was two months after the date that the admission arrangements for the schools for 2022 were determined by the LA. Under those circumstances, it is clear that there has been a major change of circumstances since the admission arrangements for the schools were determined.

19. There is no formal consultation required for a variation. Ordinarily, this means that parents and others do not have the opportunity to express their views. We also note that once the PAN has been set for a particular year then nobody, 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. This process also allows for objections to be made to the adjudicator. None of this is normally afforded by the variation process. However, we note that parents, the governing board, and others, have had the opportunity to comment on the wider proposals in relation to the restructuring of secondary education in the Crewkerne and Ilminster area.

### **The Rationale for the Proposed Variations**

20. The statutory proposal document published by the LA gives two reasons for the reductions in PAN for 2022 (and following years), firstly:



“In Crewkerne, to achieve a transition from a three-tier system to a two-tier system, reception admissions numbers would need to be adjusted. In becoming primary schools, the new primary schools would need to take a smaller number of pupils for a period of time during the transition period. All the schools have been allocated a 'target' intake in the proposal, which is the number they would reach by the end of transition [the proposed PAN for 2026]. If they took the targeted intake numbers at the outset it would mean they would grow too large for their accommodation”.

And secondly:

“At the same time, Maiden Beech would have a higher intake at first, which would allow the school to establish pupil numbers quickly, otherwise it would be very small in numbers for too long”.

We consider the situation in relation to Maiden Beech and in relation to each of the other schools in the following paragraphs.

### **Parental Preference**

21. The LA acknowledges that parental preference will be affected by the proposed reductions in PAN at the schools. For at least some of the schools, perhaps all of them, the number of first preferences is likely to exceed the proposed reduced PAN. This is most clearly demonstrated at St Bartholomew's First School (St Bartholomew's) which has been oversubscribed in recent years with its current PAN of 36 and where the proposed reduced PAN is 10. We acknowledge that – absent any building works to expand physical capacity - PANs will have to be reduced when first schools become primaries, but the proposed reductions exceed what is required by the addition of pupils in Years 5 and 6. This is explored in more detail below.

22. We also acknowledge that the LA has committed to admitting in-catchment siblings who would otherwise be displaced were the reduced PANs in effect. This would mean admitting over PAN in some schools. The LA has said that having low PANs would allow flexibility and allow them to exercise “judgement” rather than to follow “rules”. We consider that this approach is wrong. Parental preference is at the heart of the school admissions system as is clear from section 86 of the Act. It follows that a school should have a PAN which reflects its capacity and thus will support parental preference so far as is possible. A school will then admit at least up to PAN (there being sufficient applicants) according to its determined and published oversubscription criteria, as the Act also does not allow for places to be refused below PAN in a normal year of admission. Otherwise, the principles set out in paragraph 14 of the Code cannot be met:

“In drawing up their admission arrangements, admission authorities must ensure that the practices and the criteria used to decide the allocation of school places are fair, clear, and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated”

23. We consider the proposed reductions in PAN, in light of the desire to establish pupil numbers at Maiden Beech, in detail below. We have also considered the points raised by the LA with regard to small rural schools:

“One of the overarching factors in this complex piece of work is that our consultation activity over many years has demonstrated that the single greatest point of consensus in a community that has long been divided on this issue, is that small, rural schools should be preserved and protected. We consider this to be the overriding collective parental preference in this community. With regards to Crewkerne in particular, the evidence tells us that we can only secure the future of these small rural schools by setting PANs across the town and surrounding villages at a level below the number of pupils in the forecast. This deliberate approach is intended to secure sufficient pupils to sustain the smallest schools”.

24. We accept that the community wish to see small rural schools preserved and protected. We find that this can be achieved with the PANs of the schools we set in this determination, for the reasons set out here.

25. We also note the comments of the LA regarding equity across schools in the PANs for 2022 (and beyond): “What came through strongly during those discussion with head teachers was the need for equity across the area in the management of any reductions in PANS”. The current PANs for 2022 vary between 12 and 36. We do not consider that there is some principle that would, in itself, justify reducing all the PANs to either 12 or 8. We consider that a reasonable level of equity between schools can be achieved with the PANs of the schools we set in this determination, which, with the exception of the PAN for Haselbury Plucknett, are set at the “target” level which reflects a reduction more proportionate to each school’s current PAN, given the constraints resulting from the addition of pupils in Years 5 and 6.

### **Maiden Beech Academy**

26. Maiden Beech Academy (Maiden Beech) sat historically as the Middle School for the Crewkerne area within a three tier system of First, Middle and Upper schools. It converted to academy status in 2011 and joined the Bridgwater & Taunton College Trust, a multi-academy trust (the Trust), in December 2019. The Trust is the admission authority for the school. Maiden Beech is currently a middle school for pupils in Year 5 to Year 8 (aged 9 to 13). Maiden Beech is to become a primary school from 1 September 2022 for pupils aged 4 to 11 (Reception to Year 6 ).

27. The LA, in the applications for the variations for the maintained schools, put the position with Maiden Beech as follows:

“Maiden Beech Academy Primary would have a higher intake at first, which would allow the school to establish pupil numbers quickly, otherwise it would be very small in numbers for too long.

The proposed published admission number suggested by the Council to the Bridgwater and Taunton College Trust for Maiden Beech Primary school is 30. The PAN at Maiden Beech Primary Academy can, and likely will be, exceeded to accommodate all pupils requiring a school place. This has been agreed with the Bridgwater and Taunton College Trust and is reflected in a financial contract that will vary census numbers accordingly. The trust is seeking approval for a significant change to Maiden Beech Academy by the South West Headteacher Board in July 2021”.

28. Since that was written the change to become a primary school from September 2022 has been approved and the PAN, as anticipated, has been set at 30. It is forecast, we are told, that Maiden Beech will admit approximately 68 pupils in Reception in 2022. This is based on the proposed reduced PANs of 10 for Ashlands First School (Ashlands) and St Bartholomew’s. If the PANs for Ashlands and St Bartholomew’s for 2022 were set at the “target” figure of 20 each, then the intake at Maiden Beech in 2022, based on the figures above, would be approximately 48, (assuming that all 20 places at Ashlands and St Bartholomew’s are filled by pupils who would otherwise have gone to Maiden Beech). At the meeting on 24 November 2021, the LA clarified that the “financial contract” referred to in the quote above will guarantee Maiden Beech funding equivalent to an intake of 60 pupils.

29. As the LA points out, the comprehensive reorganisation of the schools and the creation of a new primary by the change of age range at Maiden Beech mean that parental preference is impossible to predict accurately. The LA states, “Maiden Beech is having significant improvement works to provide KS1 teaching accommodation and plans to open a nursery at the same time. Therefore Maiden Beech could prove a very attractive option to many parents”.

30. On that basis we find that to determine PANs for 2022 at the “target” level for Ashlands and St Bartholomew’s would not render Maiden Beech unviable.

### **Capacity at the Schools**

31. The requested variations are to the PAN for 2022 only. If we approve the proposed reductions, then those new PANs would form in effect a baseline for 2023 and the LA would be able to set the PANs for 2023 without any consultation and would need to do so by 28 February 2022 which is the deadline for setting arrangements for 2023. If we do not approve the variations or approve them with modifications and the LA, as admissions authority for the schools, wishes to change the PANs by reducing them, it would firstly need to consult on those changes in accordance with the provisions of paragraphs 1.46 to 1.48 of the Code. That consultation would have to commence by 20 December 2021. At that stage we acknowledge that the LA will have little further information about applications and parental preferences. The national closing date for applications for primary schools is 15 January 2022. Any consultation will close by 31 January 2022. In determining admission arrangements (including PAN) for 2023 by the deadline of 28 February 2022 the LA will have the benefit of responses to the consultation and data on parental preferences for

September 2022. Consequently, it will be able to make an informed decision on setting the PAN for each school for 2023.

32. Save for Hinton St George (which is already a primary school) each of the schools is currently a first school for pupils in Reception to Year 4 and in 2022 each will become a primary school for pupils in Reception to Year 6. That will mean an additional two year groups to be accommodated in those schools. The circumstances and numbers differ from school to school and so we consider the capacity argument in respect of each below. We refer to the schools as primary schools as that is what they will be in September 2022.

33. **Haselbury Plucknett Church of England Primary School** (Haselbury Plunkett). Haselbury Plucknett is currently a First School located approximately 3 miles from Crewkerne. It is federated with Merriott First School. It currently has a PAN of 12 and the proposed variation is to reduce this to 8 for 2022. The LA state that the intention is to maintain the PAN at 8 for each year until 2026 then to increase the PAN to 12. Currently the school has five year groups. A PAN of 12 multiplied by five gives 60, which makes a PAN of 12 a reasonable number. In 2022 there will be an intake to Reception and the former Year 4 group will stay on in Year 5. From 2023 there will be 7 year groups in the school and an intake of 12 each year would exceed the current capacity of 60.

34. Haselbury Plucknett currently operates with two classes. Although there may be potential to increase the number of classrooms to three it is not anticipated that there will be the numbers to justify three classes in the near future. The number currently on roll is 51 and this is forecast to be 45 in September 2021. The forecast number on roll for September 2022 is 57 with the intake forecast at eight for September 2022. The intake over the last few years has been six in 2019, 12 in 2020 and nine in 2021.

35. If the forecast figures are correct then a PAN of 12 in 2022, and admission up to that number, would give an overall number of 61. That would be one in excess of the school's capacity of 60. More importantly, on the figures given and assuming no in-year changes, in 2022 there would be 31 pupils in Years 1 and 2. Consequently, admission of more than nine pupils would take the number in the infant classes over the class size limit of 30. This could lead to the need for additional class, the cost of which would exceed the funding available.

36. The headteacher and governing body of Haselbury Plucknett have indicated that they consider a PAN of 8 to be appropriate for 2022. For the reasons set out above we determine that the PAN for Haselbury Plucknett will be 8 for September 2022.

37. **Hinton St George Church of England Primary School** (Hinton). Hinton has been a primary school for pupils aged 4 to 11 (Reception to Year 6) since September 2020. At that time it reduced its PAN from 16 to 12 in order to accommodate the additional pupils in the school when Years 5 and 6 remain. The age range of the school will not be changing in 2022. The current PAN for 2022 is 12, the variation requested is a reduction of PAN to 8. Hinton has the physical capacity to have three classes and has been operating with three

classes since September 2021. There are currently 68 pupils attending the school. The LA state that a PAN of 8 would allow the school to operate with two classes (8 x 7 = 56). However, with three classes the school could accommodate more pupils. We are told the current capacity, with three classes, is 84 (7 x 12).

38. The LA's concern is that over time the numbers likely to come to the school would not be sufficient to sustain three classes, but that there would be a danger of the school having just over 60 pupils – too many for two classes but not enough to attract sufficient funding for three classes. However, the Headteacher and governing board consider that a reduction of PAN to 8 would have an adverse impact on what is currently described as a thriving school and consider that its continued operation with three classes is viable. We find that a reduction in PAN would limit parental preference and may have an adverse impact on the school. Consequently, we determine that the PAN for Hinton for 2022 is to be 12.

39. **Merriott Primary School** (Merriott). Merriott is approximately 3 miles from Crewkerne and has a capacity of 120. The current PAN is 24 and the proposed variation is to 10. However, the LA anticipates it will actually admit over PAN in 2022, admitting 17 pupils. The LA states that this is in order to avoid the displacement of in-catchment pupils so incurring transport costs to another school. 24 pupils were admitted in September 2021. The current number in the school is 106, there being no pupils yet in Years 5 and 6. With a PAN of 10 in 2022 there would be 127 pupils in the school (the school will have Year 5 pupils for the first time). The LA anticipates that a further 18 pupils will be admitted in 2023 which, with pupils in Year 6 for the first time, will give 146 pupils in the school.

40. The LA confirmed at the meeting on 24 November 2021 that a fifth teaching space will be available from September 2023, with a half-sized teaching space currently available. This would allow the school, with a PAN of 20, to admit three pupils above the forecast of 117 in 2022, a total of 20 pupils in Reception and 130 in whole school. In the response to us the Chair of the Merriott and Haselbury Plucknett First Schools Federation wrote:

“The proposed PAN of 10 is not suitable for Merriott First School. The listed alternative school (Maiden Beech Academy) is over 3 miles from our village. The current catchment numbers and out of catchment siblings already exceeds these numbers. Whilst the local authority has proposed the variation of 10, they are predicting 15 intake in 2022 and would honour appeals from catchment and out of catchment siblings. Based on our current figures and knowledge from our local community, we believe that this figure would be in excess of 15 and that a PAN of 20 would be more appropriate from 2022. The number suggested by the local authority will not meet our catchment needs”.

41. Merriott has the capacity to have a PAN of 20 for 2022 and the governing body have made it clear that this is the PAN they wish to have. A PAN of 20 would provide a greater chance of parental preference being met. Consequently, we have determined that Merriott will have a PAN of 20 for 2022.

42. **St Bartholomew's Church of England Primary School** (St Bartholomew's). St Bartholomew's currently has a PAN of 36. In 2020 and 2021 it admitted to PAN. It is a popular school and oversubscribed. The proposed PAN is 10. This would constitute a reduction of 83 per cent. The LA confirmed at the meeting on 24 November 2021 that St Bartholomew's now has seven classroom spaces. This gives capacity for 210 pupils. With a PAN of 10 in 2022 the LA forecasts that St Bartholomew's would have 189 pupils in the whole school. If the PAN was 20 the total would be 199, 11 pupils below capacity. On behalf of the Board of Governors, the Chair has written to raise a number of concerns which would arise if the PAN is reduced to 10. The main concern is that for many parents their first preference would not be met.

43. St Bartholomew's is the nearest of the schools to Maiden Beech and we recognise that a higher PAN at St Bartholomew's would be likely to have a significant impact on the numbers admitted to Maiden Beech. However, this has to be balanced against parental preference and we consider that it would be unfair artificially to reduce the PAN at St Bartholomew's in order to boost the numbers at Maiden Beech.

44. St Bartholomew's cannot continue to admit 36 pupils each year. However, it could admit 20 pupils in 2022 if the PAN were to be 20, without exceeding its capacity. For the reasons set out above we determine that the PAN for St Bartholomew's for 2022 will be 20.

45. **Ashlands Church of England Primary School** (Ashlands). Ashlands currently has a PAN of 30. The proposed variation is to a PAN of 10. With a PAN of 10 in 2022 the LA forecast that the school would have 132 pupils. In 2019 16 pupils were admitted to reception and in 2020 14 pupils. In 2021 the school admitted 19 pupils. If in 2022 the PAN was 20 (and the school admitted to PAN) there would be 144 pupils in the school. We note that this is fewer pupils that the LA are forecasting for 2023 (146) if the PAN for 2022 and 2023 was 10. If the school would have capacity for 146 pupils in 2023, then we find that it would have capacity for a lower number of pupils in 2022.

46. Ashlands is federated with Misterton Church of England First School (Misterton). Misterton will close in August 2022. A place at Ashlands was promised to all Misterton pupils. However, it now appears that fewer pupils than anticipated will transfer from Misterton to Ashlands. The LA had envisaged adding two new classrooms to the Ashlands site, which is possible as premises which had been occupied by a Children's Centre will be vacant. The LA informed us that two new classrooms will not be required. Nevertheless, we find that there is flexibility in the capacity at Ashlands.

47. In a letter to us the headteacher and the Chair of the Governing Board have stated that although they understand the need to ensure a sufficient intake at Maiden Beech (Ashlands is the second nearest of the schools to Maiden Beech) they have continuing concerns regarding the impact of a PAN of 10 on parental preference. As with St Bartholomew's we consider that it would be unfair artificially to reduce the PAN at Ashlands in order to boost the numbers at Maiden Beech.

48. For the reasons set out above we determine that the PAN at Ashlands for 2022 will be 20.

## Determination

49. In accordance with section 88E of the School Standards and Framework Act 1998, we approve with modification the proposed variations to the admission arrangements determined by Somerset County Council for each of the above schools for September 2022 when each of the first schools will have become a primary school.

50. We determine that the Published admission number for September 2022 in respect of each school shall be:

Ashlands Church of England Primary School	20
Haselbury Plucknett Church of England Primary School	8
Hinton St George Church of England Primary School	12
Merriott Primary School	20
St Bartholomew's Church of England Primary School	20.

Dated: 14 December 2021

Signed:

Schools adjudicator: Tom Brooke

Schools adjudicator: Dr Robert Cawley