



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2210

Admission authority: Milton Keynes Council for Priory Common School,
Milton Keynes

Date of decision: 16 December 2021

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed reduction in the published admission number for 2022 determined by Milton Keynes Council for Priory Common School, Milton Keynes.

The referral

1. Milton Keynes Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2022 for Priory Common School, Milton Keynes (the school), to the adjudicator. The school is a community school for children aged 4 to 7.
2. The proposed variation is to reduce the published admission number (PAN) from 60 to 30 for admissions in 2022.

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 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. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
5. The information I have considered in reaching my decision includes:
- a. the referral from the local authority dated 25 November 2021;
 - b. information provided by the school in support of the request for a variation;
 - c. the determined arrangements for 2022 and the proposed variation to those arrangements;
 - d. a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2022; and
 - e. a map showing the location of the school and other relevant schools.
6. Paragraph 3.6 of the Code requires that the appropriate bodies in the relevant area be notified of a proposed variation. The local authority has provided me with confirmation that the appropriate bodies have been notified. I have seen confirmation from the school's governing board that it has been consulted on the proposed variation. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variation is within my jurisdiction.

The proposed variation

7. The proposed variation is to reduce the PAN of the school from 60 to 30 for September 2022.
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 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 local authority explains that pupil numbers have been reducing in recent years and the school has not admitted up to its PAN. In September 2021, 35 children were admitted. The major change in circumstances is that the governing board, in discussion with the local authority, has decided to take action to limit pupil numbers so that the need to create a small class can be avoided.
10. This is an infant school so the requirement in the School Admissions (Infant Class Sizes) (England) Regulations 2012 not to have more than 30 children in a class with a single qualified teacher applies. It is requesting a variation for 2022 to limit the PAN to 30 in anticipation of applications close to 30 – but possibly a little above - as experienced in

2021. The local authority is consulting on a proposal to reduce the school's PAN from 2023 when it determines these arrangements in February 2022.

11. The case made by the local authority and the school makes sense as numbers have been falling in recent years and is the reason why the local authority is consulting on reducing the PAN for 2023 from 60 to 30. However, the request for a variation in 2022 causes me some difficulty because the admissions window for 2022 has already opened and it is possible that some parents have already submitted their preferences for a place for their child in 2022. They will have done so on the understanding that the number of places available was 60 and they may have made different choices in terms of their preferences had they known only 30 places would be provided. The Code requires admission authorities to consult when making changes to admission arrangements and I have already noted that the local authority is in the process of doing this for 2023. There has been no consultation with respect to 2022 admissions and hence no scope for any objections to be made to the adjudicator and this informs my view about the variation. The reduction in pupil numbers has been happening over time and while it requires action to be taken to address this, I do not consider that it warrants such urgent action that it risks parents not being able to achieve their first preference for a school for their child and without consultation about the proposed change.

12. I note that the school admitted 35 children in September 2021 when the local authority's projection was for 31 children. From the figures submitted, the local authority projection for admissions in 2022 is 37 which is greater than the PAN requested. As the numbers admitted in September 2021 were greater than the projected number, it is quite possible that this could be repeated and, as a result, it is possible there would be children who would not receive a place at their catchment area school if I were to agree a reduction in PAN for September 2022. I recognise that the figure provided is a projection and that the numbers applying for places may be different. However, on the basis of the figures submitted, I am not willing to approve this variation request. In the meantime, the local authority will be able to determine a reduction in PAN for 2023 following the consultation that it is carrying out and parents will have ample notice of this change.

13. If the numbers allocated places for September 2022 exceed 30 then it will be for the school to consider how best to organise the school and mixed age classes may be necessary to manage the pupil numbers while a reduction in PAN is determined by the local authority. If, on the other hand, numbers allocated places do not exceed 30, then the school will be able to organise Reception (Year R) in September 2022 with one class. If this is the case, it would be open to the school/local authority to consider making another application for a PAN reduction on the basis of a known number of allocated places in spring of next year. If agreed, this could help to keep the number of children in the year group at or below 30 and in this way avoid the disruption of a class re-organisation mid-year in response to an admission. Such a variation request would need to reflect the actual numbers offered places and show that if a further parent sought a place in-year there would be a suitable available place at a nearby school.

14. There is one further important point I should make. The PAN does not apply beyond the year of normal admission, which in this case is Year R. Decisions about whether or not there are places available in the cohort in subsequent years, for example in Years 1 and 2, are made by the admission authority and it is assumed that places will be offered if there is space available. The decision about whether or not a child is to be admitted in a year which is not a normal point of entry is made on the basis of whether admission will cause prejudice to the efficient delivery of education or use of resources in the school and taking account of the School Admissions (Infant Class Sizes) (England) Regulations 2012 referred to above. If an applicant wishes to appeal against a refused application for in-year admission they have the right to do so to the admission authority's independent appeal panel. The appeal panel would hear the arguments from the school and weigh these against the arguments of the parent before deciding whether or not a place should be offered.

15. I do not approve this request for a reduction in PAN from 60 to 30 for September 2022, it remains as determined at 60.

Determination

16. In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed reduction in the published admission number for 2022 determined by Milton Keynes Council for Priory Common School, Milton Keynes.

Dated: 16 December 2021

Signed:

Schools adjudicator: David Lennard Jones