



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2214

Admission authority: The Governing Board of Greenfields Community Primary School, Wideopen, North Tyneside

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 the governing board of Greenfields Community Primary School, Wideopen, North Tyneside.

The referral

1. The governing board of Greenfields Community Primary School, Wideopen, Tyneside (the admissions authority) has referred a proposal for a variation to the admission arrangements for September 2022 for the school, to the adjudicator. The school is a foundation school for children aged 4 to 11. The local authority for the area is North Tyneside Council.
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 7 December 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 school 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.

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 school’s governing board explains that pupil numbers have been reducing in recent years and the school has not admitted up to its PAN. Twenty-seven children were admitted in September 2021 and a request to reduce the PAN from 60 to 30 for September 2021 has been approved in a related determination, VAR 2213. For September 2022 the projected number for admissions is 32 children. 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 a primary 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. The school 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 school makes sense as numbers have been falling in recent years and is the reason why the school 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 school 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 recognise that the figure of 32 admissions provided for September 2022 is a projection and that the numbers applying for places may be different; however, I must make my decision on the basis of the numbers provided, which is why I am not willing to approve this variation request at this point. The closing date for applications to primary schools for admissions in September 2022 is 15 January 2022. If the number of children allocated places at the school does not exceed 30, it would be open to the school to consider making another application for a PAN reduction on the basis of a known number of allocated places for September 2022. The school would be able to organise Reception (Year R) in September 2022 with one class on the basis of the numbers admitted and if a variation is then approved to reduce the PAN from 60 to 30, 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.

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. I note that the school is consulting over a reduction in PAN from 60 to 30 for 2023 admissions. This decision will be made early in 2022 and is in the hands of the school's governing board.

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 the governing board of Greenfields Community Primary School, Wideopen, North Tyneside.

Dated: 16 December 2021

Signed:

Schools adjudicator: David Lennard Jones