



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: VAR2239**

**Admission authority: Coventry City Council for Holbrook Primary School**

**Date of decision: 01 April 2022**

## 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 Coventry City Council for Holbrook Primary School for September 2022.**

**I determine that the published admission number be 60.**

## The referral

1. Coventry City Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2022 (the arrangements) for Holbrook Primary School (the school) to the adjudicator. The school is a community school for children aged three to eleven in Coventry.
2. The proposed variation is that the published admission number (PAN) be reduced from 90 to 60.

## 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 local authority has provided me with confirmation that the appropriate bodies have been notified. I have seen confirmation that the school's governing board 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.
5. In considering this matter I have had regard to all relevant legislation and the Code.
6. The information I have considered in reaching my decision includes:
  - a. the referral from the local authority dated 18 March 2022, supporting documents and further information provided at my request;
  - b. the determined arrangements for 2022 and the proposed variation to those arrangements;
  - c. comments on the proposed variation from the school;
  - d. a map showing the location of the school and other relevant schools; and
  - e. information available on the websites of the local authority and the Department for Education (DfE).

## The proposed variation

7. The local authority said that the demand for places in reception year (YR) has been reducing in several parts of the city. Schools and admission authorities were made aware of this and the forecast increase in the number of surplus places. Since 2019 the total number of preferences made for the school has nearly halved from 120 to 69 for 2022. The governing board, following discussions with the local authority, asked that the PAN for 2022 be reduced to 60 as this would allow the governing board to run financially efficient sized classes and avoid financial problems.
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. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. 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. It also allows for objections to the adjudicator. None of this is afforded by the variation process. In this case, the requested variation will only apply to admissions in 2022 as the PAN for 2023 has already been set and has been set at 90. My determination will not affect that PAN.

10. I have scrutinised the data to try to ascertain if there will be sufficient school places in the local area if the PAN is reduced from 90 to 60 for September 2022. I have also considered the demand for places at the school, the reasons given for the change, the potential effect on parental preference and whether the change is justified in these circumstances.

11. The local authority has a duty to make sure that there are sufficient places for the children in its area. To fulfil this duty the local authority assesses the likely future number of places to be needed and plans to meet that need. The local authority uses planning areas, which are geographical groups of schools, for this purpose. The school is one of eight schools admitting children to YR in what the local authority refers to as the Longford planning area (the planning area). The school is situated in an urban area and according to the DfE website, 'Find and compare schools in England', there are ten other state funded schools within one mile of the school that admit children to YR; five of these schools are within the planning area. Table 1 below summarises the number of children admitted to the schools in the planning area in recent years.

Table 1: numbers of school places and numbers of children admitted to YR in schools in the planning area

	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Sum of PANs of schools in the planning area for YR</b>	480	450	450	450
<b>Number of children admitted based on the October census</b>	422	403	415	414 forecast
<b>Vacant places</b>	58	47	35	36 forecast
<b>Number of vacant places as a percentage</b>	12%	10%	8%	8%

12. Table 1 shows that the number of children on roll in YR is quite steady across the planning area and the local authority forecasts a similar number of children for YR in 2022. If the PAN for the school were reduced by 30 then clearly there would be 30 fewer places overall making the sum of the PANs equal 420. If the forecast of 414 were accurate then there would be six vacant places which would be just over one per cent; this is a lower proportion than most local authorities would seek.

13. I asked the local authority to comment on the potential risk of there being insufficient places for YR if the PAN were reduced. The local authority told me that it had realised that its forecasts were overestimating the number of children seeking places and planned to amend its processes accordingly. Overall, it told me, there has been a tendency to forecast nearly five per cent more children than actually materialised across the local authority area. Therefore the forecast of 414 children, provided in table 1 above, is likely to be an over-estimate. This view is supported by the number of potential offers based on the current number of applications. As of 29 March 2022 there were 361 potential offers of places in the planning area. The admissions co-ordination process is still continuing and I recognise that this figure may well increase with late applications but it is unlikely to increase substantially.

14. I also note, as set out above, that there are ten other primary schools admitting to YR within one mile of the school and the local authority tells me that it believes several of these will have surplus places. I am therefore assured that if the PAN for the school were reduced to 60 that there would be sufficient places in the local area for every child seeking a place.

15. I will turn now to the number of preferences made for the school and the numbers in YR in previous years. Table 2 shows the preferences for the school from 2019, the number of children offered a place on national offer day and the number on roll in YR at the time of the relevant October census.

16. Table 2: preferences made for the school, number of children offered a place and the number of children on roll

	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>PAN for the school</b>	90	90	90	90
<b>Number of first preferences for the school</b>	58	59	66	44
<b>Number of children offered or who may be offered a place</b>	61	66	60	48 potential offers as on 29 March 2022
<b>Number of children registered in YR at the school at the October census</b>	77	68	78	N/A
<b>Number of vacant places</b>	13	22	12	N/A

17. Table 2 shows a significant reduction in the number of first preferences for the school from previous years. A first preference is the school that a parent most wants their child to attend. Table 2 also shows that more children were attending the school for the October census than for whom the school was their first preference in 2019, 2020 and 2021. This means that some children were not able to get their first preference and the school was the highest preference that could be met.

18. Perhaps as significant as the reduction in the number of first preferences is the reduction in the number of preferences for the school overall. The local authority told me that up to three preferences can be made for YR. Taking all three preferences into account there were 120 preferences for the school in 2019, 112 in 2020, 101 in 2021 and 69 for 2022. The local authority said in its request that there was an increasing number of surplus places across the city which meant that more parents were able to secure their first preference and, “Although the allocation of places will not be completed until mid-April, 95% of parents, citywide, last year secured their first preference and we predict allocations [for the school] are unlikely to be higher than 48 on national offer day.”

19. The School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) require that infant classes (those where the majority of children will reach the age of five, six or seven during the school year) must not contain more than 30 pupils with a single qualified school teacher except in specific exceptional circumstances. The infant class size regulations apply to YR and the school has decided that it will teach in classes that contain only single year groups. This would mean, for example, that the 78 children on roll at the school in YR in October 2021 were likely to be in three classes of around 26 children each.

20. Schools are largely funded by the number of children and one of the highest costs is staffing. The number of pupils to the number of teachers is important in managing the finances of schools. If, for example, there were just over 60 children admitted to YR then, assuming the school continues to have classes with single year groups, the school would have to provide three classes in order to meet the infant class size regulations, but may struggle to meet the costs. If there were 63 children admitted, for example, then the classes would have around 21 children each. The local authority told me that “The school was already under pressure as there are spaces available in all KS1 year groups as well as high levels of transience which makes managing school organisation, staffing levels and finance particularly challenging.”

21. The levels of transience can be seen in the number of children allocated places at the school on national offer day (15 April) compared to those at the school for the October census. In 2019, 2020 and 2021, more children were at the school on the October census day than were offered places on national offer day. It is likely if the PAN remains at 90 that more than 48 children will be at the school for the October 2022 census day. Indeed, in October 2021 there were 78 children in YR, 18 more than were allocated places on national offer day. A similarly large increase for 2022 could take the number of children in YR in October 2022 to just over 60. Not knowing whether or not this would be the case makes it

extremely difficult for the school to plan. It could cause class organisation problems too if the PAN remained at 90. This is because children could join the school at any point in the coming year and if those admissions increased the number of children to over 60 then the school would have to re-organise in order to meet the infant class size regulations. In other words, if the school had established two classes to cater for up to 60 children and more then joined so that there were 61 children, the school would need either to create a third class with not only additional costs, but disruption to the existing class structure. Alternatively, it would need to adopt mixed aged teaching which it is unlikely to wish to do and this would still disrupt existing class structures.

22. At this point in the admissions process, I am assured that there would be no frustration of parental preference as it has been expressed in terms of on-time applications for places if the PAN were reduced to 60. Based on the information provided to me, there would be sufficient places for all children who need a place in YR in the vicinity of the school if the PAN were reduced to 60. If the PAN were to remain at 90 then there could be significant financial and class organisational problems for the school which could affect the children it educates. I am therefore of the view that the variation is justified by the change in circumstances and I approve the variation.

## Determination

23. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Coventry City Council for Holbrook Primary School for September 2022.

24. I determine that the published admission number be 60.

Dated: 01/04/2022

Signed:

Schools adjudicator: Deborah Pritchard