



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2248

Admission authority: Milton Keynes Council for Bradwell Village School,
Bradwell, Milton Keynes

Date of decision: 27 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 Milton Keynes Council for Bradwell Village School for September 2023.

I determine that the school's Published Admission Number for admissions in September 2023 shall be 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 this determination.

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 date of the determination.

The referral

1. Milton Keynes Council has referred a proposal for a variation to the admission arrangements for September 2023 (the arrangements) for Bradwell Village School (the school, Bradwell) to the adjudicator. The school is a community school for children aged 7 to 11 in Bradwell, Milton Keynes.
2. The proposed variation is that the Published Admission Number (PAN) be reduced from 90 – 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 (insofar as is 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. No comments have been received and I am informed that there will be no adverse impact upon other local schools if the proposed PAN reduction is approved. 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 satisfied that the proposed variation is within my jurisdiction. 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.

5. In considering these matters, 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 30 March 2022, supporting documents and further information provided at my request;
- b. the determined arrangements for September 2023 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, the school and the Department for Education.

The proposed variation

7. The proposed variation is that the PAN be reduced from 90 – 60 for admissions to the school in September 2023.

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 in 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. Since the admission arrangements for the school were determined, it has become increasingly apparent to the local authority that fewer than 60 places are likely to be offered at the school in September 2023. There are a number of reasons for this. There has been a steady decline in pupil numbers in the area in which the school is located. The school is a junior school with two local feeder infant schools, namely Priory Common School and Heelands School. I am informed that pupils from these two infant schools “usually transition to Bradwell Village School”. The total PAN for the feeder schools was 90 and this was reflected in the PAN of 90 for Bradwell. The local authority consulted to reduce the PAN at Priory Common School from 60 to 30 for admissions in September 2023. This reduction in PAN has been determined and is now published within the 2023 admission arrangements for all Milton Keynes community and voluntary controlled schools. Therefore, the total PAN of the two feeder schools for 2023 is 60.

10. A PAN reduction for admissions to Reception at Priory Common School will not impact on admissions to Bradwell in September 2023. I therefore asked the local authority why the PAN for Bradwell needed to be reduced for September 2023, as opposed to September 2026 which is the point at which pupils entering Reception in September 2023 would transfer to junior school. The local authority had stated in the variation request form that it intended to consult upon reducing the PAN for Bradwell for September 2024. I wondered why it is now considered necessary to reduce the PAN for 2023.

11. The local authority has explained in response that the PAN reduction is needed for September 2023 due to the increasing number of surplus places in Year 3. In September 2021, there were 270 surplus places in Year 3 in the junior schools in the area of the local authority. There are 17 junior schools which admit pupils into Year 3. In addition to these schools, there are 47 all-through primary schools which also have vacancies in Key Stage 2. These vacancies are additional to the figure of 270. The local authority says that it is “working in partnership with a number of schools to ensure that the surplus places projected for future years are reduced so that there are no adverse effects on schools’ budgets and staffing requirements”

12. The school's PAN of 90 for Year 3 September 2023 admissions was determined in February 2022. I am told that the catchment area is an established area, and there is no demand expected from new housing developments. Projections indicate that there are surplus places within the catchment area of Bradwell for 2023 of just over one form of entry. The local authority says that it must be noted that, whilst projection data is accurate in terms of how many children attend feeder schools, it does not account for parental preference. For September 2021 intake the projections indicated 65 children were attending the two feeder schools whilst the actual number of admissions to Bradwell was 42.

13. The table below shows the actual and projected number of surplus places at the school for admissions in 2022, 2023 and 2024. It can be seen that less than 60 places appear to be required for September 2023, but there appear to be more than 60 places required for September 2024. I am conscious that, if the PAN for September 2023 is reduced, this will become the "baseline" or "starting point" for the PAN for September 2024. However, it is within the local authority's gift to increase the PAN of 60 for September 2024 admissions (or to admit over PAN) if more places are needed that year and there is no requirement for consultation before a PAN is increased or before admitting over PAN.

Bradwell Village School	2022	2023	2024
PAN	90	90	90
Total number of Year 3 places required	76	53	65
Surplus places	14	37	25

14. The table below shows the total number of surplus places within the wider liaison group of schools in 2022, 2023 and 2024.

Stantonbury Liaison Group Year 3	2022	2023	2024
Total PAN	270	270	270
Total number of Y3 places required	204	175	183
Surplus places	66	95	87

15. The local authority has explained that the birth rate in Milton Keynes has fallen in recent years in line with the national trend. Whilst this has mainly affected Reception and Years 1 and 2, this trend is now beginning to impact upon Year 3. It is anticipated that given the low number of applications received to date for the school and the wider availability of Year 3 places, the school will continue to experience “significant vacancies” for the 2022 intake and beyond. The total PAN for the two feeder schools for admissions in September 2023 is 60; therefore, it is anticipated that the number of places needed will not be more than 60 once the reduced PAN in the Key Stage 1 feeder schools begins to impact on pupils transferring to Key Stage 2. However, it is anticipated that the PAN for Bradwell needs to be reduced before the impact of the PAN reduction takes effect. The number of places forecast to be required at the school in September 2023 is 53. The school consider that the number of offers made will be lower than this.

16. I asked the local authority for data on the number of pupils currently on roll in Year 1 in the two feeder schools and in the other infant and primary schools in the local area. I was told that the number on roll in Year 1 is 27 for Priory Common and 23 for Heelands. The number of pupils currently on roll in Year 1 for the other local infant schools is set out in the table below, followed by a table setting out the number of places available in Year 3 in September 2023. There are projected to be 73 surplus places.

Schools	Number on roll in Year 1 April 2022
Downs Barn	20
Germander Park	27
Heelands	23
Pepper hill	49
Priory Common	27
St Andrews CE Infant	4
Wood End Infant	17
Total	167

Schools	Number of places available in Year 3 in September 2023
Bradwell Village School	60
Southwood	75
Stanton	90
Great Linford	15
Total	240

17. It should be born in mind that, if this proposed PAN reduction is approved, the total number of places available will be 210, which still leaves 43 surplus places in the local area. The local authority has said that it intends to submit a request for the PAN at Southwood to be reduced from 75 – 60, which would then leave 28 surplus places. However, I cannot anticipate the outcome of any such request which will need to be determined in light of the decision which has been made in this case and any other relevant circumstances.

18. The local authority has assured me that no child whose parents want a place at Bradwell in September 2023 will be disappointed. The total number of pupils attending the feeder schools who are due to transfer in September 2023 is 50, therefore it is highly unlikely that any applicants from the feeder schools will be refused a place at the school even with a PAN reduction to 60. In the (unlikely) event of any child not securing a place at the school, the local authority is confident that an alternative place will be offered at a school within statutory walking distance and that there will be no undue difficulties for families in having children at different primary schools. The local authority is also confident that there will be no adverse environmental impact by reducing the PAN and that there will be no adverse impact upon other local schools.

19. The school is in agreement with the proposed PAN reduction. It is currently operating with two classes at Year 3 and Year 4. Both the school and the local authority consider that it is sensible, given the data and trends (combination of demographic demand and parental preference data), to continue to operate at this level for the foreseeable future. Additionally, the school has told me that it has a current occupancy rate of 69%. A teacher has recently resigned. If the PAN remains at 90 for September 2023, the school says it will need to recruit another teacher. The school says that the teacher’s salary and high cost of recruitment can be saved if the PAN is reduced. A PAN reduction at this point in time will mean that the school can avoid “the financial and emotional cost of a later redundancy”. The school also says that the potential cost of recruitment and redundancy would cause “a huge impact as the decline in pupil numbers has already led to a reduction in income”.

20. The local authority says that it is unlikely that a PAN of 90 will be reached in September 2022 or 2023 given the number of children attending the feeder schools. The declining trend in birth rates means that it is also unlikely that any increase in the demand for school places will be seen over the coming years. The numbers on roll at both feeder schools are continuing to fall. The local authority says that, if the PAN remains unchanged, the school will experience “instability financially and with regards to staffing”; the school’s “falling budget and three year projection shows probable cause for concern”. The local authority considers that there is a need to protect the school by enabling them to plan for two form entry.

21. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. Once the PAN has been set for a particular year then no body, 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. It also allows for objections to the adjudicator. None of this is afforded by the variation process.

22. However, in the circumstances of this case, my view is that the proposed variation is justified by the change of circumstances. I therefore approve the PAN reduction requested. It is open to the local authority to review that PAN for 2024 when it comes to determine the arrangements for that year. From the information presented to me, there would appear to be a sufficient number of Year 3 places available locally to meet demand if the PAN were to remain at 60 for admissions in September 2024, however I do draw the attention of the local authority to the fact that the projected number of places required at the school is said to be 65. I trust that this will be kept under review in light of the importance of parental preference.

Consideration of the arrangements

23. Having considered the arrangements as a whole it appeared to me that the following matter did not conform with requirements of the Code and so I brought this to the attention of the local authority. Paragraph 1.7 of the School Admissions Code provides

“All schools must have oversubscription criteria for each ‘relevant age group’ and the highest priority must be given, unless otherwise provided in this Code, to looked after children and all previously looked after children, including those 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. Previously looked after children are children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order). All references to previously looked after children in this Code mean such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after and those 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. Oversubscription criteria must then be applied to all other applicants in the order set out in the arrangements”.

24. Oversubscription criteria 1 and 2 in the local authority’s school admission arrangements are as follows:

1. A looked after child or previously looked after child in care in England
2. A looked after child or previously looked after child in care outside of England

These criteria appear to give first priority to looked after and previously looked after children who are looked after or were formerly looked after in England, whereas the Code requires that equal highest priority must be given to all formerly looked after children including those previously in state care outside of England. The arrangements will need to be revised to address non-compliance with paragraph 1.7.

Determination

25. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Milton Keynes Council for Bradwell Village School for September 2023.

26. I determine that the school’s Published Admission Number for admissions in September 2023 shall be 60.

27. 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 this determination.

28. 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 date of the determination.

Dated: 27 April 2022

Signed:

Schools adjudicator: Dr Marisa Vallely