



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: VAR2259**

**Admission authority: Warwickshire County Council for Exhall Junior School, Exhall, Coventry**

**Date of decision: 5 July 2022**

## Determination

**In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed reduction in the published admission number for September 2022 determined by Warwickshire County Council for Exhall Junior School, Exhall, Coventry.**

**I determine that for September 2022 the published admission number will be reduced from 60 to 45.**

## The referral

1. Warwickshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2022 (the arrangements) for Exhall Junior School (the school) to the adjudicator. The school is a community school for children aged seven to eleven in Exhall, Coventry.
2. The proposed variation is to reduce the published admission number (PAN) from 60 to 45.

## 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. In considering this matter I have had regard to all relevant legislation, and the Code.

5. The information I have considered in reaching my decision includes:

- a. the referral from the local authority dated 17 May 2022, supporting documents and further information provided at my request;
- b. the determined arrangements for 2022 and the proposed variation to those arrangements;
- c. confirmation that the governing board has been consulted and supports the proposed variation;
- 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.

## The proposed variation

6. The proposed variation is to reduce the PAN of the school from 60 to 45 for September 2022. The arrangements for the school for 2022/23 were determined by the local authority on 29 January 2021. The local authority’s email, dated 13 May 2022, providing notification of the proposed PAN reduction commented “The reason for the proposal is the forecast admittance of pupils significantly below current PAN. This change seeks to assist the school governing bodies to plan for long-term stability, a consistent structure and a sustainable financial position, providing a secure foundation for high quality educational outcomes for all pupils.”

7. 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

8. Before I consider the proposed variation, I should note that the local authority has determined the 2023/24 arrangements, including the PAN, for the school on 17 February 2022. The PAN will be 60. As the arrangements have already been determined, my decision on this application will not affect the PAN that has already been determined for 2023; my determination affects only admissions to Year Three (Y3) for 2022.

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 which makes it particularly important that proposed variations are properly scrutinised, and I have accordingly given careful consideration to the data to try to ascertain if there will be sufficient school places in the local area if the PAN is reduced from 60 to 45 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.

10. The local authority told me in the application to reduce to reduce PAN, "There has been a significant decline in pupil applications to St Giles Junior School in recent years, with only 43 applications for September 2022. This is a reflection of a change of parental preference, in a planning area with surplus places usually available in alternative schools." St Giles Junior School was the name of the school before it changed to Exhall Junior School in September 2021.

11. If I determine that the PAN reduces to 45 for admission in 2022, I need to consider if there are sufficient places to meet demand across the planning area. The local authority has a duty to make sure that there are sufficient school places for the children in its area. In order to carry out this duty the local authority considers the availability of places and the need for places in planning areas which are geographical groups of schools. The school is in the Bedworth South West planning area (the planning area) which consists of Exhall Cedars Infant School, four primary schools and Exhall Junior School. It is the only junior school in the planning area and receives the majority of applications from children who attend the infant school which has a PAN of 60. The local authority commented "The junior school's preference would be for a permanent PAN reduction following consultation, however this would not be appropriate without an equivalent change at the infant school (which the infant school is not considering at this point)." Criterion four of the school's oversubscription criteria gives priority to children attending the partner infant school.

12. The local authority provided me with information about the number of places in the infant and junior schools, the number of children admitted in the last three years, the numbers of places accepted in 2022 and the forecast for 2023.

	2019 Admissions	2020 Admissions	2021 Admissions	2022 Admissions (current accepted + waiting list)	2023 Admissions (forecast)
Exhall Cedars Infant School (PAN 60)	48	40	36	41	45
Exhall Junior School (PAN 60)	42	53	32 (PAN reduced to 33)	43 (application to reduce PAN to 45)	43

13. Another adjudicator determined the local authority's application to reduce the PAN at the school from 60 to 33 for admission in September 2021 (VAR2138). At that time, it was noted that the transfer rate of children from the infant to the junior school was 70 per cent. The equivalent calculation this year – the number of children admitted to YR in 2019 was 48 and there are 43 children to be admitted to Y3 in 2022 – is 90 per cent. The percentage is even higher for the forecast admissions in 2023. Some children finishing Y2 at the infant school will choose other schools but admission to the school is highly dependent on admissions to the partner infant school.

14. I asked the school to comment on the impact if the application to reduce the PAN was successful and also if it was not successful. The headteacher sent me helpful information. In 2021, with the PAN reduced to 33, the school had one Y3 class, three Y4/5 classes and two Y6 classes. With a PAN of 45 and admissions of 43 the school would have three Y3/4 classes and three Y5/6 classes. As a junior school of course, it is not affected by the provisions of the infant class size regulations and can choose the number of children in each class. Six mixed age classes will provide increased occupancy for each class leading to a more financially secure base for the school. Schools are largely funded by the number of children and one of the highest costs is staffing. The local authority has confirmed that the planning area has surplus places in other schools if families move into the area.

15. Although there are more pupils to be admitted to the school in 2022 than in 2021, the organisation of mixed age class sizes is more financially sustainable if the PAN is reduced

to 45. I am also assured that there are sufficient vacant places in the planning area if there are further requests for places. I find that the variation is justified by the circumstances and approve the proposed variation.

16. In the course of contact with the local authority about this request, the local authority commented on another determination (VAR2251) where the adjudicator determined that a number of issues did not conform with the requirements of the Code and that under section 88K(2) of the School Standards and Framework Act 1998 the adjudicator's decision was 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 (17 May 2022). The local authority asked the adjudicator to reconsider the action required. Once a determination is issued, the adjudicator is "*functus officio*" which means the adjudicator's statutory role is complete and neither the adjudicator nor anyone else in the OSA can comment on matters considered within the determination. It is for the local authority to implement the changes required as a result of that determination and, in doing so, to decide how it wishes to change the arrangements to bring them into conformity with the Code.

## Determination

17. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed reduction in the published admission number for September 2022 determined by Warwickshire County Council for Exhall Junior School, Exhall, Coventry.

18. I determine that for September 2022 the published admission number will be reduced from 60 to 45.

Dated: 5 July 2022

Signed:

Schools adjudicator: Lorraine Chapman