



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2268

Admission authority: Warwickshire County Council for Brownsover Community Infant School, Rugby.

Date of decision: 16 August 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 Warwickshire County Council for Brownsover Community Infants School for September 2023.

I determine that the Published Admission Number (PAN) will be 30 for admission in September 2023.

The Referral

1. Warwickshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements (the arrangements) for September 2023 for Brownsover Community Infants School (the school) to the adjudicator. The school is a community school for children aged 3 to 7 in Rugby Warwickshire
2. The proposed variation is to reduce the current PAN of 60 to 30 and is consequent on the local authority's decision on 14 July 2022 following the appropriate procedures to change the age range of the school from three to seven to three to eleven with effect from September 2026.

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

- a. the referral from the local authority dated 19 July 2022 and supporting documents;
- b. the determined arrangements for 2023 and the proposed variation to those arrangements;
- c. details of consultation undertaken by the local authority in April and May 2022, responses and outcomes;
- d. comments on the proposed variation from the school; and
- e. information available on the websites of the local authority, the school and the Department for Education.

The Proposed Variation

6. Following the approval of a change in age range from three to seven to three to eleven at the school the local authority has requested a reduction in the PAN from 30 to 60. This year group will then progress from Reception (YR) to Y6 as a through primary school.

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. The admission arrangements for the school for admission in September 2023 were determined by the local authority, which is the admission authority for the school, at a Cabinet meeting on 17 February 2022. These arrangements include a PAN for the school of 60. The school’s PAN has been 60 for a number of years and the school operates a two-

form entry with a maximum of 30 children in each of two classes in each year group.

9. The local authority consulted in April and May 2022 on proposals for the school to change age range from three to seven to three to eleven. The reasons for this proposal were as follows:

- All through primary schools are in line with the government agenda to provide a more seamless transition for three-to eleven-year-olds.
- Currently there is an infant/junior imbalance in places in the area.
- The school has a capacity of 180 and currently is a two-form entry infant school. A decrease in birth cohort numbers in the local area in recent years has resulted in reduced numbers on roll at the school and also at another local infant school. The reduction in numbers is expected to continue for three to five years.
- Due to reduction in numbers the school is currently facing budgetary challenges as a two-form entry school. The Council's financial modelling has demonstrated that in the medium to long term the school would be more financially sustainable as a one-form entry primary school rather than a two-form entry infant school.
- The proposal is intended to coincide with the opening of a new school (The Griffin School) on a large local development of 1300 homes. This is due to open in September 2023 and it is expected that local families will choose this new school and draw significant numbers from neighbouring areas.
- Currently the school feeds into a junior school which has a PAN of 120. Another infant school, on the same site as the junior school, has a PAN of 90 and this school also feeds into the junior school. When numbers were high in the area this shortfall of 30 places (two infant schools with 90 and 60 PANs respectively feeding a junior school with a PAN of 120) caused sufficiency issues in the area and children were placed at other schools both locally and further afield. If the school becomes a through school, then numbers will be sufficient in the junior school.

10. The consultation included costing for additional classroom space at the school to accommodate an increase in overall numbers on roll and for key stage two classrooms. The plan is that this is to be created from existing internal space at a cost of £0.965 million.

11. In addition, the consultation recommended that the council seek a reduction in the PAN at the school for September 2023 from 60 to 30. This would mean that as a one-form entry primary school with 30 pupils in each year the school would have a total number on roll of 210. The increased capacity from the current 180 to the proposed 210 would be facilitated by the building programme.

12. There were 78 responses to the consultation with 60 per cent in agreement with the proposals and 40 per cent disagreeing. Responses in agreement with the proposal were in favour of the increase in parental choice for primary provision and the benefit to children of the continuity in their education of being able to stay in one education setting for their primary years. Responses not in agreement with the proposal included the site size being

too small to be a primary school and the impact of the proposal on the local junior school. One of the negative responses came from the junior school who were concerned that the plan would see their numbers decline. The council acknowledged the concerns of the school but explained that if the proposal did not go ahead the opening of the new school and the anticipated low cohort numbers would result in a decline in pupil numbers in some schools and the need for subsequent reductions in PANs.

13. The school's governing board response to the consultation was very positive. The governing board said:

"The board of Governors wholeheartedly support the proposed change in age range. This is in line with the Government agenda that all schools should be striving to become all through primary, providing a seamless transition for 3 - 11 age pupils, it addresses the current budgetary challenges caused by the opening of Rugby Free Primary school and the decrease in birth rate/cohort numbers.

The timing of the proposal has been carefully considered to further mitigate the impact that the opening of the Griffin school in 2023 will have on our pupil numbers. Financial modelling has demonstrated that as a one form entry primary school, we would be significantly more financially sustainable than we would as a two-form entry infant school. This is further supported by the voices of countless parents over the years who have chosen all through primary schools over (this) infant school, impacting negatively on our numbers.

We have continually worked alongside the finance team, very proactively to address our deficit budget over a number of years. At our recovery plan meeting, the local authority officers agreed that the most workable model to address this was to secure pupil numbers and that becoming a primary school would offer us the best chance at succeeding in this.

The proposal has closely considered the sustainability of other schools within our cohort. Our current financial deficit presents huge challenges in maintaining current staffing levels. This, alongside a cycle of reduced pupil numbers, makes our journey as a securely good school to one that is outstanding more challenging. The proposed age range change would actively support us in making the transition from good to outstanding. The reduced PAN would enable some staff members to be seconded to local primary schools for valuable key stage two experience and this will strengthen our offering as a primary school when they return to the school as the initial Y3 cohort progress through."

14. The Council's cabinet approved the plans at their meeting on 14 July 2022.

15. As the decision to go ahead with the age range change was made after the arrangements were determined it was necessary for the local authority to request a variation in PAN. I understand that it is important for the PAN to reduce for the 2023 intake so that the one-form entry can progress through to Y3 in 2026 by which time the alterations to the school will have been completed and the school will have had time to support staff with new age range responsibilities.

16. I consider this a relevant major change in circumstances and therefore a request for variation is the appropriate course of action.

17. The forecast number for admission to the school in the next two years are 40 in 2023 and 35 in 2024. The local authority is confident that any pupil unsuccessful in their application to the school in these years will be accommodated at either the newly opened school or at the other infant school. This variation is for a reduction in PAN for September 2023. If the admission authority does not consult on any further changes to the PAN for future years, then this number will remain as the school's PAN.

18. I find that the variation is justified by the circumstances and approve the proposed variation.

Summary

19. Proposals to change the age range of the school from three to seven to three to eleven were approved by the local authority in July 2022 after the arrangements for admission in September 2023 had been determined and published. It is necessary for the school to admit a one form entry in September 2023 in order for the proposed age range change to come into effect and I therefore approve the reduction in PAN from 60 to 30 in September 2023.

Determination

20. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Warwickshire County Council for Brownsover Community Infants School for September 2023.

21. I determine that the Published Admission Number (PAN) will be 30 for admission in September 2023

22. 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: 16 August 2022

Signed:

Schools adjudicator: Ann Talboys