



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2257

Admission authority: The Boulevard Primary Partnership for Southwood School, Milton Keynes

Date of decision: 26 October 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 2023 determined by the governing board of the Boulevard Primary Partnership for Southwood School, Milton Keynes.

I determine that the published admission number will be reduced from 75 to 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. Southwood School (the school) is part of the Boulevard Primary Partnership (the Partnership) which is a federation of a number of schools. The governing board of the Partnership, as the admission authority, has referred a proposal for a variation to the admission arrangements for September 2023 for the school to the adjudicator. The school is a foundation school for children aged seven to eleven in Conniburrow, Milton Keynes and Milton Keynes is the local authority.
2. The Partnership also includes Germander Park School, for children aged four to seven and Downs Barn school, for children aged three to seven. The Partnership has also

applied for a reduction in the published admission number for Germander Park School (VAR2261). Both schools are feeder schools for Southwood School,

3. The proposed variation is to reduce the published admission number (PAN) from 75 to 60 in 2023.

Jurisdiction and procedure

4. 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 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”.

5. The local authority, on behalf of the Partnership, has provided me with confirmation that the appropriate bodies have been notified. 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 determine whether they conform with the requirements relating to admissions and, if not, in what ways they do not so conform.

6. In considering these matters 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, submitted on behalf of the Partnership, dated 30 May 2022, supporting documents and further information provided at my request;
- b. the determined arrangements for 2023 and the proposed variation to those arrangements;
- c. comments from the Executive Headteacher of the partnership and the chair of governors on 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

7. The proposed variation is to reduce the PAN of the school from 75 to 60 for September 2023. The arrangements for the school were determined by the governing board of the Partnership on 21 March 2022.

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. This application to reduce the PAN is one of several in the area; as mentioned above, the Partnership has applied for a reduction in PAN at Germander Park School and earlier in the year the local authority applied for a reduction in the PAN at Bradwell Village School (VAR2248) which was agreed in April 2022. The Executive Headteacher told me:

“Southwood School has submitted a request to reduce our PAN from 75 to 60, which has been agreed by the Governing Board. The reason for this proposed reduction is that we currently have 45 children in our Year 3 class, we currently have 56 children due to start with us in September [2022] and a projected figure of around 47 children the following year. We have had lengthy conversations with the Sufficiency and Access team at Milton Keynes Council and they have advised us that the birth rate in the local area is not showing that we should expect significantly more pupils in the coming years.”

10. The oversubscription criterion 2 for Southwood gives priority to “pupils attending a school in the defined area ([that is] Germander Park and Downs Barn.” Oversubscription criterion 4 gives priority to “pupils who live in the defined area”. Germander Park and Downs Barn School are both feeder schools to Southwood School. They have PANs of 45 and 30 respectively so, it would be expected that a maximum total of 75 children would leave the two schools each year. Most children who leave Germander Park and Downs Barn join Southwood where the PAN is currently 75. I was told that, “Both schools [that is Germander Park and Downs Barn] currently have one form in Reception, Year 1 and Year 2, therefore a PAN of 60 pupils [for Southwood] would be both appropriate and beneficial for our families and for the community across the three schools.” The school has not admitted to its PAN for the last few years and all first preferences were offered places.

Table 1: All applications to Southwood School in the last three years.

Year	PAN	1st preference	2nd preference	3rd preference	4th preference	No. allocated
2022	75	54	3	4	3	56
2021	75	40	4	5	5	41
2020	75	46	9	1	4	48

Table 2: the number of children expected to be requiring a place at the school in the next two years

Southwood School Year 3 (Y3)	2022	2023	2024
Number of places available (PAN)	75	75	75
Total number of places required for Y3	59	47	45
Surplus places	16	28	30
Surplus places as a % of places available	21%	37%	40%

11. If I am to determine that the PAN reduces to 60 for admission to Y3 in 2023, I need to consider if there are sufficient places to meet demand. 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 local authority calls its planning areas 'liaison groups'.

12. Milton Keynes Council have set out 14 liaison groups which cover all geographical areas across the local authority area and every school will know which liaison group they are members of. Southwood School is part of the Stantonbury liaison group of schools which is the relevant planning area in this case. There are seven infant schools in the liaison group which admit to the Reception Year (YR) and six primary schools which also admit to YR. Great Linford Primary School admits at both YR and Y3. In total there are four schools which admit to Y3 in the Stantonbury liaison group and admissions to this group of four are set out below together with the PAN for each school:

School	PAN	2019 Allocations	2020 Allocations	2021 Allocations	2022 Allocations
Bradwell Village School (PAN will be 60 from 2023)	90	79	65	42	59
Great Linford Primary School	15	15	13	15	7
Southwood School (PAN will be 60 from 2023)	75	45	48	41	56

School	PAN	2019 Allocations	2020 Allocations	2021 Allocations	2022 Allocations
Stanton School	90	84	54	68	57
Total	270	223	180	166	179

13. Taking account of the proposed reduction in PAN at Southwood School and the recent reduction in PAN at Bradwell Village School there will be 225 places each year for Y3 admissions available as shown in the table below.

Stantonbury liaison group Y3	September 2023	September 2024
Number of places available	225	225
Number of places forecast to be required	167	185
Surplus places	58	40
Surplus places as a % of places available	26%	18%

14. The governing board of the Partnership wrote:

“Projections indicate that there are surplus places within the school’s catchment area of Southwood School for 2023 of approximately one FE [form of entry].”

It is clear to me from this data that the reduced PAN will not adversely affect the ability for demand for Y3 places in the planning area to be met. Nor does the data suggest that the reduction from a PAN of 75 to 60 for the school will prevent parental demand being met, given that the highest number of children admitted to YR in the past four years has been well under 60. This is important in my consideration and 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. I have also considered the numbers likely to be leaving the feeder schools in the next year and beyond. In this context, I am told that “the Governing Board plans to consult on the 2024 arrangements proposing a reduction in PAN at Southwood School from 75 to 60 and a reduction in PAN at Germander Park School from 45 to 30. Therefore, if the proposed change is agreed, the total PAN of the two feeder schools for 2024 will be 60.”

15. In the light of all the information provided to me, I find that the variation is justified because of the reduction in demand for places at the school and I approve the proposed variation.

Consideration of the arrangements

16. Having considered the admission arrangements for the school as a whole it appeared to me that the following matters do not conform with the requirements of the Code and so I brought them to the attention of the governing board. These matters were (with the relevant paragraph of the Code in brackets):

- a. The arrangements refer to the defined area (in oversubscription criteria two and four) but it would be helpful for parents to have a map or access to more detailed information about which roads are covered by the description. Paragraph 1.14 of the Code sets out that “Catchment areas **must** be designed so that they are reasonable and clearly defined.”
- b. Under the section ‘Proof of home address’ the applicant is asked to provide documentary evidence. However, this information is requested by the local authority as part of the Common Application Form (CAF) and does not, therefore, need to be requested by the governors as well. The arrangements refer to ‘residence orders. These were replaced some years ago by ‘child arrangements orders’ and this is explained in footnote 18 of the Code. The use of obsolete terms renders the arrangements potentially unclear (paragraphs 1.7 and 14).
- c. The heading ‘Admissions Criteria’ should be replaced with ‘Oversubscription Criteria’ as the criteria apply only when there are more applications than places available. If the number of pupils who apply is less than the PAN, they must all be admitted.
- d. The school has four oversubscription criteria, and it may appear obvious but by putting a bullet point against each criterion it does not explicitly say that this is the order in which applications are considered if the school is oversubscribed (paragraph 1.6).
- e. The first oversubscription criterion gives priority to looked after and previously looked after children but there is no explanation about these criteria including, under previously looked after children, 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 (paragraph 1.7).
- f. The arrangements say, ‘once places have been allocated under the listed criteria, the remaining places will be awarded according to the proximity of the child’s home to school.....’ As this is also an oversubscription criterion it should be included with other oversubscription criteria (paragraph 14).
- g. Paragraph 1.8 of the Code requires that there is a clear tie-breaker ‘to decide between two applications that cannot otherwise be separated.’ The example given in the arrangements is not effective if two addresses are the same distance and they are not in a block of flats. It is not clear whether the tie-breaker applies to the arrangements as a whole or just to the final category of ‘other children’ (paragraph 14)

- h. Paragraph 2.15 of the Code sets out that admission authorities **must** maintain a waiting list until at least 31 December of each school year of admission. The arrangements should state more clearly that ‘each added child will require the list to be ranked again in line with the published oversubscription criteria.’
- i. The arrangements refer to an “official limit” (correctly referred to as the Published Admission Number (PAN)) of 75 for Year 3 pupils. The arrangements go on to refer to a ‘temporary PAN cap’ for other years in the school. The PAN applies only to the relevant year or years of entry to a school. In this case the only normal year of entry is Y3. If applications are made for other year groups, the governing board, as the admission authority, must consider them. As paragraph 1.4 of the Code states, in so far as is relevant here: “The PAN only applies to the relevant age group. This means that admission authorities may not refuse admission to other age groups on the grounds that they have already reached their PAN. They may, however, refuse admission where the admission of another child would prejudice the provision of efficient education or efficient use of resources.” (paragraphs 1.2 and 1.4).

17. The Executive Headteacher of the Partnership wrote “I have reviewed all the 881 issues and agree that all issues will be amended once the Adjudicator has made her determination. We have a Governor’s Resources meeting on October 31st and will share our updated Policy at this point.” I welcome the positive response to these matters.

Determination

18. 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 2023 determined by the Boulevard Primary Partnership for Southwood School, Milton Keynes.

19. I determine that the published admission number will be reduced from 75 to 60.

20. 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.

21. 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: 26 October 2022

Signed:

Schools adjudicator: Lorraine Chapman