



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2281 and VAR2282

Admission authority: Wokingham Borough Council for Gorse Ride Infant School, Finchampstead

Date of decision: 15 November 2022

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by Wokingham Borough Council for Gorse Ride Infant School for the 2022/23 and the 2023/24 academic years.

I determine that the school's Published Admission Number for admissions in both the 2022/23 and the 2023/24 academic years shall be 30.

The referral

1. Wokingham Borough Council (the local authority) has referred proposals for variations to the admission arrangements (the arrangements) for the academic year 2022/23 (Case Reference:VAR2281) and the academic year 2023/24 (Case Reference:VAR2282) for Gorse Ride Infant School (the school) to the adjudicator. The school is a community school for children aged four to seven in Finchampstead.
2. The proposed variations are that the published admission numbers (PANs) be reduced from 60 to 30 for both academic years.

Jurisdiction and procedure

3. The referrals were 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 variations. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variations are 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 14 October 2022, supporting documents and further information provided at my request;
 - b. the determined arrangements for 2022 and 2023 and the proposed variations to those arrangements;
 - c. comments on the proposed variations 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.

The proposed variation

7. The local authority has requested that the PAN be reduced from 60 to 30 for admission in both the 2022/23 and 2023/24 academic years. There are currently 29 children in the reception year (YR) at the school and it is forecast that 26 children will be admitted in September 2023. The local authority says that a reduction in the PAN will allow the school to continue to operate with one class in each year group and it would not have to employ an additional teacher in order to comply with the infant class size limit of 30 children with a single qualified teacher. This, it says, “would be an inefficient use of resources, because it is very unlikely that there would be sufficient additional children to generate the funding to meet the costs of employing the additional teacher.”

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. The local authority identifies three factors that have contributed to the falling roll at the school. These are:

- (a) a reduction in the birth rate in the planning area in which the school is located;
- (b) a scheme to demolish and replace a small social rented housing estate that is immediately adjacent to the school site; and
- (c) additional places being provided at a neighbouring school (Farley Hill Primary School) that serves a new housing development.

10. The chair of governors of the school explains the difficulties that the school could face if the PANs are not reduced:

“There is a high likelihood that the September 2022 and future intakes could run at 31 with a cost impact of approximately £57,000 per year group...If we are uncertain year on year if we will need to resource 2 classes, planning staff will be very difficult...Keeping the PAN the same will create continuous uncertainty in the school and could create a huge funding gap which will mean that it will be unavoidable for the school to remain out of deficit.”

11. I recognise the difficulty that the school faces. If the school's PAN were to remain at 60 for the current academic year, it is possible, as the chair of governors suggests, that as a result of in-year applications the number of children in YR may exceed 30. Similarly, although the local authority's forecast is that only 26 places will be allocated in YR for admission in September 2023, it is well within the margins of possibility that the number could exceed 30 by a small margin. Although some internal re-organisation of class numbers may be possible, I consider it likely that either or both of these possibilities would require the employment of an additional teacher. I appreciate that the financial implications of such an eventuality would be extremely challenging for what is a relatively small school.

12. Therefore, I agree with the reasons for the reduction of the PANs that the school and the local authority have put forward, but I need to address two potential concerns. My first concern is that if additional children were to seek admission to the school during the current academic year and/or the demand for places for admission in September 2023 were to exceed a reduced PAN of 30, an alternative school would need to be allocated to those who could not be offered places at Gorse Ride Infant School. It would be unfair if this required parents and children to make an unacceptably long journey to school.

13. The local authority’s planning area in which the school is located is known as the “South East planning area.” There are six infant and primary schools in the planning area; if the reductions in PAN at Gorse Ride Infant School were to be approved, the total of their PANs would be 211 for both the remainder of the 2022/23 academic year and for 2023/24. Table One shows information about places allocated in YR in the planning area and the local authority’s forecasts, both for the six schools combined and for Gorse Ride Infant School.

Table One: Allocations and forecasts for the South-East planning area

	2022/23	2023/24	2024/25
Total forecast YR allocations in the planning area	193	198	223
Actual allocations	173		
Difference from combined PANs (211)*	-38 (actual)	-13 (forecast)	+12 (forecast)
Forecast YR allocations at Gorse Ride Infants	27	26	33
Actual allocations	26 [^]		

*Total of PANs is 211 if Gorse Ride Infant School’s PAN is reduced from 60 to 30

[^]Number on roll has subsequently increased to 29

14. In its request for a variation the local authority commented,

“Although this borough is seeing significant levels of migration into the borough of children requiring mid phase places, it is expected that 38 unfilled places (18% of the planning area total) would be sufficient to meet needs throughout the 2022/23 year.”

I concur with this view. According to the local authority’s figures, in September 2022 each of the four closest schools to Gorse Ride Infant School allocated fewer places in YR than its PAN. This provides some confidence that, were the school’s PAN to be reduced to 30 for the remainder of the 2022/23 academic year, children requiring a place in YR during the academic year should be able to be allocated one within a reasonable distance of their homes.

15. On the face of it, the difference between the demand for places and the combined PANs of the schools for admission in September 2023 appears to be much closer (13 places). However, the local authority is as confident as it can be that there will be sufficient places in the planning area. It comments that the actual allocations in September 2022 were lower than the forecast and that “Evidence points to the housing market being less buoyant in the near future.”

16. My second concern relates to the fact that there is no formal consultation required for a variation request, such as this one, so parents and others have not had 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.

17. Therefore, I considered it appropriate for me to consider the potential longer-term effect of my approving the requests for reduction in PANs. Table One shows that the local authority's forecast of the demand for places in the South East planning area for admission to YR in September 2024 is for 223 places, 12 more than the combined PANs of the schools. The forecast assumes that the PAN for Gorse Ride Infant School will remain at 30 and that demand for places at the school will be 33. This appears to suggest that there will be a shortage of places if the PAN at the school stays at the figure proposed in the variation requests.

18. However, the local authority expresses confidence that there will be sufficient places and that no child will be required to attend a school an unreasonably long distance from their home. It provided Map One to support its view.

Map One: Location of Gorse Ride Infant School and schools in the South West planning area



19. The local authority points out that the forecast of a demand for 223 places was made before the decision was made to add 30 additional places per year group at Farley Hill Primary School in the area of a new housing development, which is located in the adjacent South West planning area. Historically, significant numbers of children living in the South

West planning area have been allocated places in schools in the South East planning area; there were 19 such allocations, to children living in the Arborfield and Barkham areas, for admission to YR in September 2022. The local authority is confident that in future, children in these areas will have access to schools in the South West planning area, including Farley Hill and The Coombes Primary Schools. These schools are within walking distance of their homes and are closer than schools in the South East planning area, including Gorse Ride Infant School.

20. The local authority has addressed my concerns about the number and accessibility of places in the current and future years, should the PAN at the school be reduced to 30 and remain at that figure. Inevitably, there cannot be absolute certainty that its confidence will prove to be well founded, but the local authority is responsible for ensuring that there are sufficient school places in its area and will no doubt keep this matter under close review.

21. I consider that the request for reductions to the school's PAN is appropriate in the changed circumstances in which the school now finds itself. I approve the proposed variations.

Determination

22. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by Wokingham Borough Council for Gorse Ride Infant School for the 2022/23 and the 2023/24 academic years.

23. I determine that the school's Published Admission Number for admissions in both the 2022/23 and the 2023/24 academic years shall be 30.

Dated: 15 November 2022

Signed:

Schools adjudicator: Peter Goringe