



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: VAR2286**

**Admission authority: The governing board of St Helen's Catholic Infant School, Brentwood, Essex.**

**Date of decision: 16 December 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 the governing board of St Helen's Catholic Infant School for St Helen's Catholic Infant School for September 2023.**

**I determine that the published admission number for admissions under the 2023 admission arrangements shall be 60.**

## The referral

1. The governing board of St Helen's Catholic Infant School, which is the admission authority for St Helen's Catholic Infant School, has referred a proposal for a variation to the admission arrangements for September 2023 (the arrangements) for St Helen's Catholic Infant School (the school) to the adjudicator. The school is a voluntary aided Catholic school for children aged 5 to 7 in Brentwood, Essex.
2. The proposed variation is that the published admission number (PAN) be reduced from 90 to 60 for admissions to the school under the 2023 admission arrangements.

## 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 school has now provided me with confirmation that the appropriate bodies have been notified. I have also seen confirmation that the local authority has been consulted on the proposed variation, as required. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction.
5. In considering the proposed variation 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 school dated 3 November 2022 sent to the Office of the Schools Adjudicator by email on 7 November 2022, supporting documents and further information provided at my request;
  - b. the school’s determined arrangements for September 2023 and the proposed variation to those arrangements;
  - c. comments on the proposed variation from the local authority;
  - d. comments on the proposed variation from the Diocese of Brentwood (the diocese) which is the religious authority for the school; 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 school’s PAN for 2023 admissions be reduced from 90 to 60.
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. It is for the admission

authority to determine whether there has been a major change of circumstance. I will consider whether the variation requested is justified by the change in circumstances.

## Consideration of the proposed variation

9. The school's governing board has proposed a variation to the school's PAN for 2023 admissions from 90 to 60. The form of variation request (the form) was received on 7 November 2022. It stated that the majority of the pupils at the school live in Brentwood town and surrounding villages. The form states that the local authority's forecast for pupil numbers in Brentwood town in previous years had shown significant growth largely due to planned housing developments. When these housing developments started, the local authority expanded primary capacity to address the predicted increase in pupil numbers, particularly in the south of Brentwood. However, at the point of Brexit/Covid, most developments paused, and the expected growth did not occur. This left the planning group with more surplus places than anticipated.

10. The building rate of the local housing developments is expected to increase in the next few years and therefore the current level of surplus is expected to be temporary. The school says that local authority data shows that the local planning group has 738 available Reception places and in recent years the number allocated to Reception classes of schools in the area has been "well below this figure". The forecasts indicate an expected surplus of more than 30 places for admissions to Reception classes in September 2023, therefore the school does not consider that the proposed PAN reduction will cause any children to be without a local school place.

11. The form states that there has been a significant decline in families attending open mornings for prospective Reception cohorts. It is said that, in recent years, there has been a significant decline in overall applications as well as first choice applications

2020-2021 Applications 181: First preferences 69

2021-2022 Applications 152: First preferences 63

2022-2023 Applications 145: First preferences 59

Only 60 places were offered in April 2022 and 59 children accepted. Six children then joined the cohort late in May. It is said that there have been no in-year applications to the Reception cohort to date, and no children have left the school since September 2022. The school considers this demonstrates that there is minimal movement in the local area. The form says that:

"low numbers in the current Reception (65) and Year 1 (80) cohorts have made it financially challenging to equip 9 classrooms and fund utilities and staff for 9 classrooms, there will be a deficit budget in April 2023. Evidence from the local authority and our own data from open mornings clearly show that pupil numbers in September 2023 will remain low and will cause a significant deficit budget going

forward. The current PAN (90) and significant drop in pupil numbers (65) now mean that running 9 classrooms is unaffordable. This is projected to continue and will cause the school budget to fall into a significant deficit in 2023-24. 93.25% of the school budget is currently being spent on staffing, this would be reduced if the PAN is dropped to 60. Only 2.75% school budget is allocated for curriculum. This is having a detrimental effect on the quality of education provided. The size of school meals has been reduced to reduce expenditure on food. We currently have vacancies for a kitchen assistant and a learning support assistant which have not been filled. The HT [head teacher] or DHT [deputy head teacher] supports in the kitchen when needed and 1 class has no LSA [Learning Support Assistant] support.

Due to a reduced budget from falling pupil roll, we are now unable to:

- Repair underfloor heating which is faulty in 10% building,
- Repair flooring in the outdoor areas of EYFS [Early Years Foundation Stage]. This currently has holes in and has to be covered with mats to keep the area safe,
- Repair the stage in the playground which is now cordoned off to keep the area safe,
- Repair faulty IWBs [inter-active white boards] in 2 classrooms. Teachers are unable to use them to deliver lessons”.

12. The school says that evidence from both its own data and the local authority’s data relating to the number of parents attending open mornings shows that pupil numbers in September 2023 are likely to remain low. It is said that this will cause a significant deficit budget in the next financial year of more than £67,000. In 2021-2022 the school underwent organisational change which impacted on staffing in all departments. Since 2022, the staffing structure is said to have been reduced by 30 per cent. The unexpected decline in admissions in September 2022 means that staffing may have to be reduced again, which will impact on interventions for vulnerable children and support for children with SEN [special educational needs].

13. The school says that, if the PAN for September 2023 was to be reduced from 90 to 60 for September 2023 admissions, the following savings could be made:

“Currently 9 classrooms are in use. This would reduce to 8. The savings incurred would be:

A. 1 Teacher’s Salary: £44,655

B. 1 LSA Salary: £19,137

C. 1 Kitchen Staff Salary: £8125

D. 1 Classroom’s Utilities Costs: £1946 (based on 2021-22)

E. 1 Classroom's Resource Costs: £2081

F. Total Saving: £75,945.

- This would reduce the deficit for 2023-24 significantly and enable us to provide high quality first teaching and reduce the risk of staff redundancies
- Local Authority data illustrates that all first preferences and some other preferences in the last 3 years have been offered a place for National Offer Day: 2022 – 59 first preferences; 60 places offered: 2021 – 63 first preferences; 69 places offered: 2020 - 69 first preferences; 80 places offered
- We expect to be able to satisfy all first preferences for September 2023. Therefore no parents who have applied through the normal process and have listed St Helen's Catholic Infant School as first choice will be refused a place
- As the building has not been modified we are able to go over PAN for exceptional circumstances if necessary
- The housing developments planned for 2023 are largely around the areas in the south of Brentwood town where the recent primary school expansions were implemented. As such, it is expected that the existing surplus places will be utilised as the demand for school places grows. There are no new housing developments close to St Helens Infant School
- A temporary variation will leave no child disadvantaged or displaced
- The reduction of the PAN will support the school during the temporary period of financial challenges and enable better planning for staff for future academic years with more certainty".

14. The local authority has informed me that it has been in conversations with the school about the school's intention to reduce its PAN for September 2023. The authority's view is that this would allow the school the flexibility to re-organise in order to improve its finances. The local authority is said not to have concerns about the proposed PAN reduction, and has confirmed that it would not cause a situation where there would be insufficient school places. There is said to be a predicted need for 675 Reception places in the relevant planning area for September 2023, which will lead to a surplus of 48 places. There are schools within a two mile radius of St Helen's Infant School that are expected to have vacancies in Reception for September 2023. A high proportion (82%) of the current pupils at the school live within the planning group area. It is said to be very unlikely that the PAN reduction will cause any adverse environmental consequences if applicants to St Helen's Infant School are not offered a place there.

15. The diocese has confirmed that it has been in discussion with the school's head teacher about the proposed reduction in the PAN. There are several other local Catholic

schools and notably the closest is St Joseph's in Hutton which also offers places for children of infant school age. A little further afield are other Catholic schools which include St Peter's in Billericay and St Ursula's in Harold Hill. The school is currently undersubscribed with Catholics on admission to reception.

16. Diocesan records for Brentwood covering recent years show the number of Baptisms each year as follows:

2016= 103

2017= 91

2018= 83

2019= 59

2020= 22

2021= 33

17. The diocese did not have the figures for baptisms in 2022, but observes that the numbers speak for themselves in terms of a declining trend. The number is said to have jumped slightly in 2021 post-pandemic as a result of Baptisms which may have been delayed during lockdown. The diocese is not expecting the 2022 figures to jump back up to the earlier higher levels recorded. As a consequence the diocese does not believe that a reduction in the school's PAN should impact negatively on the ability of Catholic families to find a place for their children in a Catholic school locally. The diocese has looked at the local authority data on pupil numbers, and notes that the authority is supportive of this proposed PAN reduction. It is said that the diocese is also supportive of this change.

18. In light of the information I have received from the school, the local authority, and the diocese, I have concluded that, if the PAN for the school is reduced to 60, there will be places available at alternative local primary schools, and alternative local Catholic primary schools for any children who are unable to secure a place at St. Helen's. There are alternative local schools situated within 'reasonable walking distance' for any child living in the area adjacent to the school. This is prescribed as two miles from the child's home in the case of an infant aged child. It does not appear likely that the PAN reduction will result in any adverse environmental impact in terms of increased traffic congestion or additional burdens on public transport. Neither does it appear likely that there will be any adverse impact upon other local schools.

19. I find that the variation is justified by the change of circumstances which has been identified by the admission authority. The school, the local authority and the diocese all consider that reducing the PAN to 60 will enable the school to establish a workable class structure going forward and to make much-needed financial savings whilst not disappointing any or many parents who name the school as a first preference. Therefore I

approve the proposed variation. The PAN for 2023 admissions to the school will be 60. The admission arrangements for September 2024 have been consulted upon (the consultation period ended on 13 December 2022). I note that the intention is that there will be a PAN of 60, so the PAN reduction is clearly not intended to be for one year only. However, those who may be affected by the school retaining a lower PAN of 60 for September 2024 admissions will have had the opportunity to express their views.

## 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 the governing board of St Helen's Catholic Infant School for St Helen's Catholic Infant School for September 2023.

21. I determine that the published admission number for admissions under the 2023 admission arrangements shall be 60.

Dated: 16 December 2022

Signed:

Schools adjudicator: Marisa Vallely