



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2327

Admission authority: Brighton and Hove City Council for Carden Primary School in Brighton

Date of decision: 05 June 2023

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 Brighton and Hove City Council for Carden Primary School for 2023.

I determine that the published admission number will be 30.

The referral

1. Brighton and Hove City Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2023 (the arrangements) for Carden Primary School (the school) to the adjudicator. The school is a community school for children aged three to eleven in Brighton.
2. The proposed variation is that the published admission number (PAN) be reduced from 60 to 30.

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 and supports it. 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.

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

- a. the referral from the local authority dated 17 May 2023 and supporting documents;
- b. the determined arrangements for 2023 and the proposed variation to those arrangements;
- c. comments on the proposed variation from the governing board;
- 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 DfE).

The proposed variation

7. The local authority explained in its referral that there is a continuing decrease in the number of children requiring a place in reception year (YR) in the local authority’s area. One implication has been that there have been only 30 offers made for the 60 places at the school for 2023. The local authority explained, “The school is at risk of being required to open and maintain a second class and employ an additional teacher should a further application be received. This is likely to put a significant strain upon the school’s budget in the coming year and for future years.”

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. 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. The local authority has already set the PAN for 2024 at 60 so my decision only affects the admissions to YR in 2023.

10. The school is located on the eastern edge of Brighton with a rural area beyond. There are, according to the DfE website 'Find and compare schools in England', two other schools which admit children to YR within one mile of the school. The local authority has a duty to make sure that there are sufficient places for the children in its area. To fulfil this duty the local authority assesses the likely future number of places to be needed and plans to meet that need. The local authority uses planning areas, which are geographical groups of schools, for this purpose. There are two schools in the planning area for the school which admit children to YR. Table 1 below summarises the number of children admitted to the schools in the planning area in recent years and offered places for 2023.

Table 1: numbers of school places and numbers of children admitted to YR or offered places in 2023 in schools in the planning area

	2020	2021	2022	2023
Sum of PANs of schools in the planning area for YR	150	150	150	150
Number of children admitted or offered a place	144	135	139	110
Vacant places	6	15	11	Potentially 40

11. The information provided by the local authority shows that there has been a significant decrease in demand since admissions in 2022. If the PAN for the school were to reduce by 30 to 30 then there would be sufficient capacity in the area to meet demand. Table 2 shows the numbers of children admitted to the school.

Table 2: the number of children admitted to the school in recent years or offered a place for 2023

	2020	2021	2022	2023
The PAN for the school	60	60	60	60
Number of children admitted or offered a place	55	46	48	30 offered as at 17 May
Vacant places	5	14	12	Potentially 30

12. Table 2 shows that demand for the school has reduced significantly for admissions in 2023. The governing board and the local authority are conscious that the school is one affected by the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) which require that infant classes (those where the majority of children will reach the age of five, six or seven during the school year) must not contain more than 30 pupils with a single qualified school teacher except in specific exceptional circumstances. The infant class size regulations apply to YR and I understand that the school wishes to teach with single year groups to a class. The school could establish one class for YR with 30 pupils. However, if the PAN were to remain at 60 then the PAN would apply until July 2024. This would mean that if one or more children were to join the school in that period, then the school would have to reorganise its classes so that no infant class had more than 30 children to a single qualified teacher.

13. Schools are largely funded by the number of children and one of the highest costs is staffing. If the number of children in YR were over 30, even by one child (except in exceptional and particular circumstances), then the school may decide for educational reasons that it needs to establish a second class with the costs that this would entail. By the PAN being changed so that it is 30 then the governing board can plan on the basis of maintaining one class, which is why it supports the proposed variation.

14. The evidence indicates parental preference will not be frustrated if I agree that the PAN is reduced to 30 as all applications have been considered and 30 offers have been made. If the PAN were reduced to 30 then the governing board can plan ahead in a financially efficient way and organise on that basis. I therefore have decided that the variation is justified by the circumstances and approve the variation.

Determination

15. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Brighton and Hove City Council for Carden Primary School for 2023.

16. I determine that the published admission number will be 30.

Dated: 05 June 2023

Signed:

Schools adjudicator: Deborah Pritchard