



Office of
the Schools
Adjudicator

Determination

Case references: VAR2367 and VAR2368

Admission authority: Hertfordshire County Council for Ashtree Primary School and Nursery in Stevenage, Hertfordshire

Date of decision: 2 August 2023

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 Hertfordshire County Council for Ashtree Primary School and Nursery for September 2023 and September 2024.

I determine that the published admission number for admission to Reception Year in each of 2023 and 2024 shall be 30.

The referral

1. Hertfordshire County Council (the local authority) has referred proposals for variations to the admission arrangements for September 2023 and September 2024 (the arrangements) for Ashtree Primary School and Nursery (the school) to the adjudicator. The school is a community school for children aged four to 11 in Stevenage, Hertfordshire.
2. The proposed variations are that the published admission number (PAN) for September 2023 is reduced from 60 to 30 and the PAN for September 2024 is reduced from 45 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 (as far as is 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 evidence 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 the proposed variations 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 25 July 2023, supporting documents and further information provided at my request;
- b. the determined arrangements for each of 2023 and 2024 and the proposed variations to those arrangements;
- c. comments on the proposed variations from the school; and
- d. a map showing the location of the school and other relevant schools.

The proposed variation

7. The proposed variations are that the PAN for 2023 be reduced from 60 to 30 and that for 2024 be reduced from 45 to 30.

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 has set out clearly and cogently in its requests for variations how demand for places in the Stevenage area in general and at the school in particular has declined and the impact this has had on the school. It has explained that the school now has significant numbers of surplus places. The requests for variations to reduce the PAN are not the only, nor indeed the first, actions the local authority has taken in response. It had already set a reduced PAN of 45 for admission in 2024 and has told me that it is already proposed that the PAN should be set at 30 for admissions in 2025.

10. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. Once the PAN has been set for a particular year then nobody, except the governing board of a community or voluntary controlled school, can object if that PAN remains the same in subsequent years. In this case, the proposals relate to both 2023 and 2024. The PAN for 2025 has, naturally, not yet been set. If I approve the variation for 2024, the revised PAN of 30 will form the “baseline” for the 2025 PAN and the local authority will be able to set the PAN for 2025 at 30 without carrying out a consultation. This means that parents and others would not have the chance to give their opinions or object to the adjudicator if unhappy with the change.

11. Against this background, I have considered what impact the reduced PANs might have on both the local authority’s duty to secure the provision of school places and on the meeting of parental preferences for places at the school. At national offer day in April 2023, only 24 Reception (YR) places were offered at the school. The numbers of those actually admitted to YR (as measured in the following spring census each year) in recent years have been 44 admitted in the year beginning September 2020, 29 in the year beginning September 2021 and 33 in the year beginning September 2022. The figures from the local authority make clear that this is against a background of overall declining demand in the area served by the school. Evidence in the form of declining registrations with General Practitioners again suggests there are simply fewer young children who need school places in the area.

12. I consider that reducing the PAN for 2023 and for 2024 will not adversely affect the sufficiency of supply of school places. Equally it will not be at all likely to frustrate parental preferences for places at the school. It will, however, give the school some confidence that it can plan its provision on the basis of becoming a one form of entry school and it is clear from the letter of support for the variations from the governing board that this is its wish. For these reasons I consider that the requested variations are justified by the circumstances in which the school finds itself and I approve the variations.

Determination

13. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by

Hertfordshire County Council for Ashtree Primary School and Nursery for September 2023 and September 2024.

14. I determine that the published admission number for admission to Reception Year in each of 2023 and 2024 shall be 30.

Dated: 2 August 2023

Signed:

Schools adjudicator: Shan Scott