



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2365

Admission authority: the Governing Board for St Oswald's Catholic Primary School, Ashton-in-Makerfield, Wigan

Date of decision: 3 August 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 the Governing Board for St Oswald's Catholic Primary School, Ashton-in-Makerfield, Wigan for September 2024.

I determine that for September 2024 the published admission number will be reduced from 50 to 30.

The referral

1. The Governing Board for St Oswald's Catholic Primary School, Ashton-in-Makerfield, Wigan (the governing board) has referred a proposal for a variation to its admission arrangements (the arrangements) for September 2024 to the adjudicator. St Oswald's Catholic Primary School (the school) is a Voluntary Aided school for children aged four to eleven in Ashton-in-Makerfield, Wigan.
2. The school is located in the area of Wigan Council (the local authority) and within the Liverpool Roman Catholic Diocese (the diocese). The proposed variation is to reduce the published admission number (PAN) for September 2024 from 50 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:

“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 governing board has provided me with confirmation that the appropriate bodies have been notified. 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. The information I have considered in reaching my decision includes:

- a. the referral from the governing board dated 20 July 2023;
- b. the determined arrangements for 2024 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;
- e. a map showing the location of the school and other relevant schools; and
- f. information available on the websites of the local authority, the school and the Department for Education.

The proposed variation

6. The proposed variation is to reduce the PAN of the school from 50 to 30 for September 2024. The arrangements for the school for 2024/25 were determined by the governing board on 9 November 2022.

7. 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

8. St Oswald's Catholic Primary School has a PAN of 50 but has not admitted up to its PAN in any of the past three years. The number of places allocated for the Reception (Year R) cohort in September 2023/24 is 30. The school's projected intake figures for 2024 are 29, for 2025 are 24 and for 2026 are 26. The local authority says that the birthrate is projected to continue at this level or lower beyond 2026. The Local Authority recently closed a local Catholic primary school and it was hoped that this would mean that more families would seek a place for their child at St Oswald's Primary School. However, this has not been the case and there has not been an increase in pupil numbers at the school.

9. The local authority says that across the planning area in which the school is situated there are predicted to be an average of 60 surplus places each year for the next three years. This can be seen in the following table that displays information provided in support of this proposed variation.

School	PAN	Projected allocation 2024	Projected allocation 2025	Projected allocation 2026
Bryn St Peter's Church of England Primary School	30	32	27	28
Nicol Mere Primary School	60	57	49	51
R L Hughes Primary School	60	52	44	46
St Oswald's Catholic Primary School	50	29	24	26
St Thomas' Church of England Primary School	30	27	23	24
St Wilfred's Catholic Primary School	30	22	19	20
Total	260	219	186	195

10. The school says that as pupil funding is directly linked to the number of children on roll, this can be particularly difficult for the school if it begins the school year with sufficient children in Year R to form one class and then has to create a second class midyear because there have been a small number of in year admissions. Aside from some exceptional reasons, the School Admissions (Infant Class Sizes) (England) Regulations 2012 does not permit the school to have a class size in Year R of more than 30 pupils. The requirement to establish a second class is not only financially challenging but also can have a destabilising effect on the school. These factors are having the cumulative effect of undermining the school's ability to maintain a balanced budget.

11. A reduction to a one form entry school with 30 places for September 2024 and subsequent years would allow the governing body to adjust staffing and resources and support its financial planning whilst allowing all the projected first parental preference applications to be admitted. It will also reduce in-year movement and support planning in resources, staffing and budget. This variation request deals with the PAN for 2024, since the admission arrangements for that year have already been determined by the governing board. Because the arrangements for 2025 are not yet determined, my approval of this variation would have the effect of setting a PAN of 30 as the new benchmark for 2025 with no requirement to consult. However, the governing board has told me that it is intending to consult in the autumn term 2023 to reduce the PAN to 30 for 2025. This consultation will give parents and other parties the opportunity to comment on the proposal should they wish.

12. The local authority supports the school's proposal to reduce its admission number from 50 to 30 and acknowledges that the closure of a local Catholic primary school had not resulted in increased applications to attend St Oswald's. It has confirmed that there are sufficient places across the local area for it to be able to meet its responsibility to provide sufficient places for the children living in the area in 2024.

13. The diocese has confirmed that it supports the proposed variation.

14. There is an important point I should make for the avoidance of doubt. The PAN does not apply beyond the year of normal admission, which in this case is Year R. Decisions about whether or not there are places available in the cohort in subsequent years, for example in Year 1, are made by the admission authority and the Code requires that places will be offered if there is space available. The decision about whether there is space available is made on the basis of any potential prejudice to the efficient delivery of education or use of resources in the school. For year groups other than Year R, the admission authority could choose to argue that the number of places are limited by the number of classes and the number of children within them. This might be because the admission of an additional child might necessitate the creation of an additional class in order to comply with the School Admissions (Infant Class Sizes) (England) Regulations 2012. The school could argue that it would not receive sufficient budget to be able to fund such an additional class and in consequence refuse to offer a place. In such a circumstance, if an applicant wishes to appeal against a refused application for in-year admission they have the right to do so to the admission authority's independent appeal panel.

15. The requested variation is to reduce the PAN for 2024 from 50 to 30. The projections for applications for places indicate that the number of applications for 2024 and in the following few years will be fewer than 30. I am satisfied that there are sufficient vacant places in other schools in the planning area if by any chance there are requests for places in Year R during the 2024 school year that would take the number seeking places at the school to above 30. I am also satisfied that the Local Authority will be able to discharge its

duty to secure the provision of places in future years with the reduced PAN. For the school, the effect of the reduced PAN will be that there will be no automatic requirement to admit additional children into Year R once the new PAN is reached. This will assist the school in its budget planning while working within the constraints on class size imposed by the School Admissions (Infant Class Sizes) (England) Regulations 2012.

16. A variation can be requested if there has been a major change in circumstances which come after the admission arrangements have been set. In this case the change in circumstance is that the number of children applying for places was fewer than had been anticipated and that the school needs to be organised with one form of entry in order to remain within its budget. I find that the variation is justified by the circumstances and approve the proposed variation to reduce the PAN from 50 to 30.

Determination

17. 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 for St Oswald's Catholic Primary School, Ashton-in-Makerfield, Wigan for September 2024.

18. I determine that for September 2024 the published admission number will be reduced from 50 to 30.

Dated: 3 August 2023

Signed:

Schools adjudicator: David Lennard Jones