



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2361

**Admission authority:** Essex County Council for Langenhoe Community Primary School in Abberton, Colchester

**Date of decision:** 20 September 2023

## Determination

**In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by Essex County Council for Langenhoe Community Primary School for September 2024.**

## The referral

1. Essex County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2024 (the arrangements) for Langenhoe Community Primary School (the school) to the adjudicator. The school is a community school for children aged four to eleven in Abberton near Colchester.
2. The proposed variation is that the published admission number (PAN) be reduced from 22 to 15 for admissions to reception year (YR) in September 2024.

## 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. 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 10 July 2023, supporting documents and further information provided at my request;
  - b. the determined arrangements for 2024 and the proposed variation to those arrangements;
  - c. comments on the proposed variation 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 DfE).

## The proposed variation

7. It is proposed to vary the PAN for YR entry in September 2024 from 22 to 15. The referral includes the following statements:

“The major change in circumstance has been an unexpected decrease in admissions to Reception Year at the school which has caused organisational and budgetary problems.

The school’s PAN is 22. In May 2022 there were 11 pupils in Reception Year. The number of allocations for admission to Reception Year in September 2023, as at the time of writing is 13.

The school is small and this unexpected decrease in intake numbers of this scale has a disproportionately large impact upon its class organisation and budget than would be experienced at larger schools.

Langenhoe Primary School operates with a PAN of 22 and organises teaching on the basis of five classes. The school's staffing policy is predicted [sic] on year groups being close to capacity. In January 2022 the school was operating at 86% of its total pupil number capacity. Given the intake in [September] 2022 and the present level of allocations for the 2023 intake it is likely that this figure will reduce to 76% by January 2024. The school has requested the in-year variation because the senior leadership team does not think it will be financially sustainable for the school to continue with a PAN of 22 and a five-class organisation when admissions are at these levels. The Local Authority agrees that for admission in 2024, given the number of children in the pre-school cohort, this is a very strong possibility.

The proposed variation will allow the school to have greater certainty about intake numbers and therefore staffing levels. The reduction in PAN will give the school's Governing Body the confidence to reduce to a four-class structure from September 2024. Governors are concerned that if the PAN isn't reduced from this earlier date, an intake of more than 15 pupils would mean that the number of pupils in each class could not be maintained at less than 31. If the PAN is not reduced until September 2025, rather than 2024, the cost to the school would equal the cost of maintaining an additional class for the 2024/25 academic year.

The school is forecasting a deficit budget and whilst the reduction in the number of classes/teaching fte will not resolve this issue entirely, it will help to a huge extent.

In addition, the reduction in PAN would enable classes to be taught in groups of 30 in split year groups for KS1 and KS2. Planning classes is difficult as pupil numbers fluctuate over time and the school may need to consider organising with three year groups in one class, across key stages, to ensure class numbers at KS1 remain below 30. This would be difficult in terms of meeting pupils' needs. Curriculum planning would also need to change considerably to accommodate this. Reducing the PAN to 15 would enable confident planning for four classes, removing the risk of organising classes across key stages."

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. 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.

10. It is therefore particularly important that the proposed variation is properly scrutinised. I have accordingly given careful consideration to the latest available data in order to form a view about the sufficiency of school places in the local area were the PAN to be reduced from 22 to 15 for September 2024. I have also considered the demand for places at the school, the reasons given for the change, the potential effect on parental preference and whether the change is justified in these circumstances. I have also considered carefully the position for September 2025. This is because the arrangements for September 2025 have not yet been determined, and so if the variation were to be approved, the PAN for 2025 could be set at 15 without objection save from the governing body of the school.

11. 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. The school is one of 3 schools admitting children to YR in its planning area (“group 9”). Map 1 below shows the primary schools in the Colchester region, with Langenhoe being school 55 and the other two in group 9 being schools 54 and 56. Table 1 shows the composition of the other planning groups, at the time the variation request was submitted, as follows:

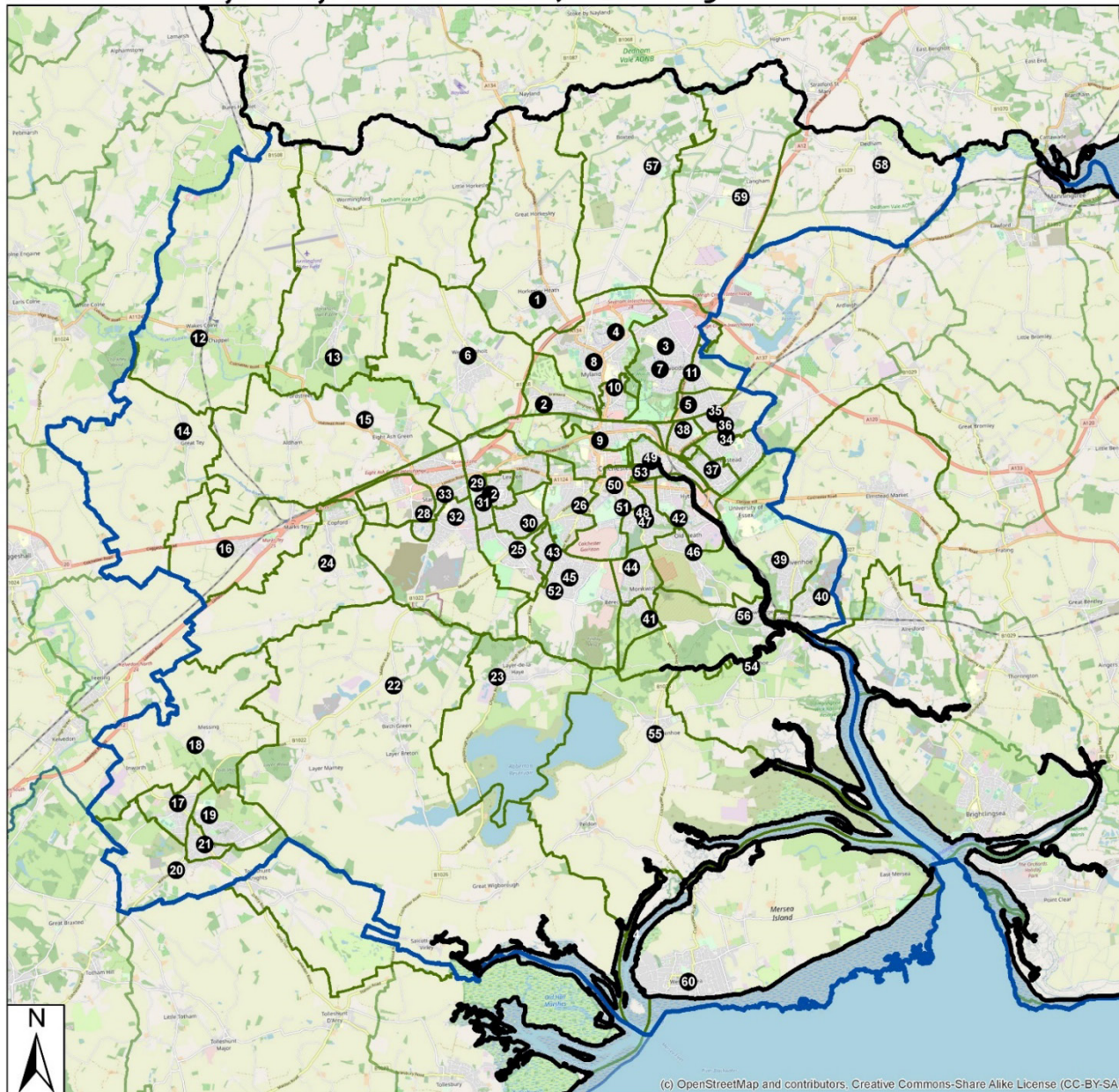
**Table 1: planning groups in Colchester**

<b>Group</b>	<b>Schools</b>
1	1 – 11
2	12 – 16
3	17 – 21
4	22 – 23
5	24 – 33
6	34 – 38
7	39 – 40
8	41 – 53
9	54 – 56
10	57 – 59
11	60



# Map 1: Location of Colchester Primary Schools

## Colchester Primary Priority Admissions Areas, 2022 - 2023



12. The local authority has provided me with a variety of data covering admissions to the planning area and forecasts for future years, which I have summarised in table 2 below:

**Table 2: number of places in the group 9 planning area, numbers admitted and forecasts for YR**

	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
<b>Sum of current PANs of schools in the planning area for YR</b>	67	67	67	67	67
<b>Number of children admitted or allocated a place</b>	66	48	58 (allocated as of 10 July 2023)		
<b>Original forecast: Essex 10yr plan (2023 – 2032)</b>			66	58	64
<b>Revised SCAP forecast: (submitted to DfE in July 2023)</b>			53	54	61
<b>GP registration numbers</b>	66	51	54	42 (currently)	51 (currently)

13. If the PAN for the school for 2024 were to be reduced from 22 to 15, the sum of the PANs for the planning area would be reduced to 60. Had this reduction been in place this year, there would have been sufficient capacity to provide places for all of the 58 children allocated for this September. Whilst this number (58) is higher than that in the revised SCAP forecast (53), the number of children registered with a GP reduces from 54 for 2023 entry to 42 for 2024 entry. So whilst the revised SCAP forecast for 2024 (54) is marginally higher than the equivalent figure for 2023 (53), I am satisfied that a figure of 60 for the sum of the PANs would guarantee sufficiency for the planning area for 2024.

14. I now turn to the number of children at the school and the reasons given by the school in support of the variation request.

15. Table 3 summarises the numbers admitted to the school in recent years.

**Table 3: numbers of children admitted to YR or predicted to be offered a place in YR at the school**

	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
<b>The PAN for the school</b>	22	22	22	22	22
<b>Number of children admitted or projected to be offered a place</b>	21	11	13 (allocated as of 10 July 2023)		
<b>Vacant places in YR</b>	1	11	9		
<b>GP registrations in the Langenhoe priority admission area</b>	21	12	10	9 (currently)	13 (currently)

16. The request for a variation refers to the governing board’s wish to align its staffing and budget to a reducing number of children, and in particular the need to move from five classes to four for financial reasons. The school is one affected by the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations). The infant class size regulations 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 as well as Y1 and Y2.

17. Because of its size and budget, the school already organises its classes so that there are five classes with more than one year group to most classes. The school has told me that “the local authority want us to go to a 4 class structure for September 2024” and has provided me with modelling to show how it might adapt to that structure, depending on whether the PAN for 2024 remains 22 or is reduced to 15. On current numbers, both scenarios allow for a four-class model which would allow the school to organise more efficiently and reduce staffing expenditure whilst remaining compliant with the infant class size regulations. However, the numbers provided by the school show that if 22 children were admitted in 2024, the total number of children in the school would be projected as 120, and if a further 22 were admitted in 2025, the total projected would be 124. In short, these numbers are more difficult to organise into four classes than if the number admitted is capped at 15, although any reduction in overall numbers will of course be accompanied by a commensurate reduction in funding.

18. On the basis of the GP registration figures for the school’s priority admission area, I find that a PAN of 15 would not lead to a shortage of places for entry to YR in 2024.

19. As mentioned in paragraph 10, proper scrutiny of this variation also requires consideration of sufficiency of places for entry in 2025. I have therefore further analysed the local authority's data in table 2, from which I make the following observations:

- a. There is a rise in 2025 of the number of GP registrations for children in the planning area who are of the age to join YR, up to 51 from 42 in 2024;
- b. The original 10 year plan forecast projected a rise in the number of children in the planning area from 2024 to 2025; and
- c. The most recent SCAP submission has forecast that there will be a requirement for 61 places in the planning area for 2025, which is higher than the combined PANs if the PAN for the school in 2025 is determined to be 15.

20. The last of these observations is the most significant, since whilst the local authority states that it has revised its forecasts to take account of lower than expected admissions, the forecast for 2025/26 shows a requirement for more places than would be available if the combined PAN for the planning area were 60. These revised forecasts are replicated in table 4:

**Table 4: revised SCAP forecasts for the planning area (group 9)**

<b>Forecast</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>
Total	53	54	61

21. I have already alluded to the fact that this forecast underestimated the number of children joining schools in the planning area in 2023, and therefore I will now consider the matter of the revised forecast of 61 places needed for 2025.

22. The local authority tells me that:

“The Langenhoe group has historically seen children from outside of the area admitted to the schools. Approximately 40% of children in the schools come from outside of the area, whilst a smaller number of local children attend schools outside of the area. Forecasts project this trend into future years, which is why forecast numbers are higher than GP registrations.

If the PAN at Langenhoe were to be reduced, there would be 60 Reception places available across the three schools in the planning group. As noted in the variation request, there are 51 children in the pre-school cohort that will require a school place in 2025/26. As noted above, there is cross over between the planning group and adjoining areas. Given these trends, the LA considers that if there were to be 61 children needing a place there would still be sufficient places available for local children. It is highly likely that if one applicant was to be displaced by the PAN



reduction, they would be resident outside of the area. Given the general reduction in birth rates in Colchester and consequent availability of school places, there would be a place available within their local planning group.”

In response to my questions about this matter, I asked the local authority for more information to evidence their assertions, including SCAP forecasts for adjacent planning areas. I requested a breakdown of historic patterns of children living in the relevant planning area but who attend schools outside, and of children who are resident outside of the area but attend schools inside. This data shows clearly that there is a well-established pattern of significant crossover, with some parents preferring a school which is not in the planning area in which they reside. Table 5 shows the numbers attending group 9 schools by where they actually live:

**Table 5: Numbers attending group 9 schools, by residence**

<b>Planning Group of residence</b>	<b>Oct-21</b>	<b>Oct-22</b>	<b>Oct-23 (as currently allocated)</b>
<b>1</b>	0	1	1
<b>4</b>	0	1	0
<b>5</b>	0	1	1
<b>8</b>	10	10	12
<b>9</b>	51	34	44
<b>11</b>	5	1	0
	<b>66</b>	<b>48</b>	<b>58</b>

23. The local authority tells me that the forecast of 61 places needed in the planning area for 2025 assumes that this trend will continue. I have therefore considered the impact on parental preference if only 60 places were available, of which a major factor will be the availability of a school place within an acceptable distance of home.

24. From the above data, it can be seen that the largest influx is from the planning area containing group 8 schools. The local authority has supplied me with the following data for this group:

**Table 6: SCAP (2022) Forecast Group 8**

	<b>PAN</b>	<b>Forecast</b>	<b>Potential Surplus</b>
<b>2024/25</b>	600	527	73
<b>2025/26</b>		521	79
<b>2026/27</b>		534	66

25. Whilst a reduction in the sum of the PANs in group 9 to 60 in 2025 might have an impact on parental preference for those residing outside the area, map 1 shows that most displaced children resident in the group 8 area (schools 41 – 53 on the map) are likely to be able to access a school within an acceptable distance from home. This is also the case for residents in groups 5 and 11, since the LA’s SCAP forecasts for 2025 for groups 5 and 11, are projecting over 20% of places to be vacant in both those areas.

26. Local authority data also shows that each year, around 10 children resident in the planning area for group 9 are admitted to schools in other areas. These are primarily the areas of groups 5, 8 and 11. As demonstrated in the previous paragraph, it is highly unlikely that there will not be sufficient places in those areas for this pattern to continue. I therefore agree with the local authority that a PAN of 15 would not lead to a shortage of suitable school places for children living in the group 9 planning area seeking admission to YR in the normal round of admission in 2025.

27. However, in its explicit reference to applicants who “might be displaced by the PAN reduction” in 2025, the local authority has actually identified a key consequence that I consider more likely than not to arise. From the information supplied, I consider that there is a strong possibility that all the places in YR in the group 9 planning area will be allocated in September 2025. This means that there will be no surplus capacity for any new arrivals in the area who need a YR place. Of particular importance here is the location of the school and the size and shape of its priority admissions area, which is shown on map 1. This shows that if a new arrival, particularly one who resides south of the school, is unable to have their preference for the school met, it is possible that they will face an unacceptably long journey to the next nearest school with space. To demonstrate this, the following table show distances to the closest five schools not in the planning area, by straight line distance, from Peldon. Peldon is a village in the Langenhoe priority admission area, about 1.5 miles southwest of the school.

**Table 7: Distances from Peldon to closest schools outside the planning area**

	<b>Straight line distance according to “Get Information about Schools”</b>	<b>Distance by road according to Google Maps</b>
<b>Layer-de-la-Haye Church of England VC Primary School</b>	2.5 miles	4.6 miles
<b>Mersea Island School</b>	2.9 miles	3.6 miles
<b>Cherry Tree Academy</b>	3.1 miles	3.7 miles
<b>St Michael’s Primary School and Nursery, Colchester</b>	3.5 miles	5.2 miles
<b>Birch Church of England Voluntary Aided Primary School</b>	3.6 miles	6.1 miles

28. After taking into account the above, and in particular the concern that any new arrivals will not be able to access a suitable school within an acceptable distance of home, I conclude that there is, based on current data, the potential for a lack of sufficiency for the planning area in 2025 if the PAN for the school were to be set at 15. On this basis I am not prepared now to approve the proposed reduction in PAN for 2024.

29. However, I am also conscious of the challenges faced by the school and, indeed, the challenges in pupil number forecasting. I therefore wish to make it clear to the local authority that it would be open to it to re-apply early in 2024 for a PAN reduction for 2024, by which time it will have more information about the number of actual applications for YR places at the school for September 2024. Importantly, the school would still have time to make any necessary changes to its staffing and class organisation for September 2024. In addition, the local authority would by then also have been able to consult on a PAN reduction for 2025 following the normal procedures for making changes to admission arrangements.

## Summary

30. I am satisfied that a figure of 60 for the sum of the PANs would guarantee sufficiency for the planning area for 2024. I also find that a PAN of 15 would not lead to a shortage of places for entry to the school in YR in 2024.

31. However, if the variation were to be approved, the PAN for 2025 could be set at 15 without objection save from the governing body of the school. The arrangements for September 2025 have not yet been determined, and I find that a PAN of 15 for 2025 might lead to lack of sufficiency for the planning area. In circumstances such as these, it is undesirable for admission authorities to make long-term change without parents and others who have an interest being given the opportunity to make representations. For this reason, I do not approve the variation.

32. It remains open to the local authority to resubmit a request for a variation for 2024 once the number of applications for 2024 are known.

## **Determination**

33. In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by Essex County Council for Langenhoe Community Primary School for September 2024.

Dated: 20 September 2023

Signed:

Schools adjudicator: Clive Sentance