



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2371

Admission authority: The Governing Board of St Alphege CofE Infant and Nursery School, Solihull.

Date of decision: 3 October 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 of St Alphege CofE Infant and Nursery school, Solihull for September 2024.

I determine that the published admission number for September 2024 will be 60.

The referral

1. The governing board for St Alphege CofE Infant and Nursery School (the school) has referred a proposal for a variation to the school's admission arrangements for September 2024 (the arrangements) to the adjudicator. The school is a member of the Federation of St Alphege CofE Infant and Nursery schools and is a voluntary aided school for children aged 3 to 7 in Solihull. The school is in the Solihull Metropolitan Borough Council area and is designated with a named religious character of Church of England.
2. The proposed variation is to reduce the published admission number (PAN) from 75 to 60.

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 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.

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

- a. the referral from the governing board dated 12 September 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 Solihull Metropolitan Borough Council (the local authority);
- d. comments on the proposed variation from the Birmingham Diocesan Board of Education, the Birmingham Diocese is the named religious body for the school (the diocese); and
- e. information available on the websites of the school, the local authority and the Department for Education.

The proposed variation

7. The school proposes that the PAN for admission in September 2024 to Reception (YR) should be reduced from its current published number of 75 to 60. The school cites a significant fall in the birth rate of the local area; the current numbers entering the school and the predicted numbers who may enter the school in the next two years. It suggests that organising the school on a three-form entry basis, as it has done to date, would not be financially sustainable.

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. Numbers being admitted to the school in previous years have been commensurate with a PAN of 75. In 2020, 2021 and 2022 the number of pupils offered a place in YR at the school were 73, 75 and 70 respectively. These were the number of pupils who entered the school in those years, and the infant classes in YR were organised into three groups with an average of 25 pupils in each class. In 2023 these figures were quite different; only 55 pupils were offered places in the school and 50 were admitted in September 2023. These pupils are taught in three class groups with an average of 17 pupils in each.

11. The local authority supports the proposal; they say that they are working closely with the school in line with the council's strategic requirement to deliver sufficient school places. Solihull is experiencing an 11 per cent drop in birth rate over the next four years which will result in the potential for over 500 surplus reception places. The local authority also reports that the school is on a school improvement journey following its most recent Ofsted rating, and the reduction in PAN will support their required class reorganisation and their school improvement plans. The local authority's forecast numbers for admission in 2024 and 2025 are 58 in both years.

12. The diocese responded to say that they too support the reduction in PAN as proposed. The Diocesan Director of Education also explained that the reduced birth rate in Solihull has resulted in an expected 11 per cent drop in demand for Reception places between now and 2027. She notes that another Church of England school near to this school is also experiencing reduced demand for places and she is confident that together the two schools will provide sufficient capacity in the area for those parents who want a Church of England school place.

13. The school is keen to reduce the number of classes in the school in line with the reduced number being admitted and suggests that the school requires this change for 'organisational stability'. I take this to mean financial stability within the school budget, and I note that in the 2021-22 financial year (the most recent data available) the school had a

£64,800 in year deficit. With only 50 pupils in YR this academic year the question could be asked 'why three classes?' but the school does not provide a rationale for this.

14. The school, the local authority and the diocese all support this change and the projected numbers going forward indicate that a PAN of 60 is the most appropriate figure. Although the local authority and the diocese each report the on-going reduction in pupil numbers, it would appear that the school did not know their numbers were going to fall so dramatically in 2023 and subsequent years. I therefore agree that the drop in figures constitutes a significant change in circumstances for the school and I agree that going forward the PAN should be set at 60.

15. I find that the variation is justified by the circumstances and approve the proposed variation.

Determination

16. 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 Alphege CofE Infant and Nursery school, Solihull for September 2024.

17. I determine that the published admission number for September 2024 will be 60.

Dated: 3 October 2023

Signed:

Schools adjudicator: Ann Talboys