



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2375

Admission authority: Warwickshire County Council for Kingsbury Primary School, Tamworth.

Date of decision: 23 November 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 Warwickshire County Council for Kingsbury Primary School for September 2024.

I determine that the Published Admission Number (PAN) shall be 30.

The referral

1. Warwickshire County Council (the local authority) for Kingsbury Primary School (the school) has referred a proposal for a variation to the admission arrangements for September 2024 (the arrangements) to the adjudicator. The school is a community school for children aged 4 to 11 in Tamworth.
2. The proposed variation is to reduce the PAN 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 (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 and 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 23 October 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 of the area showing the planning area; and
 - e. information available on the websites of the local authority, the school and the Department for Education.

The proposed variation

7. The local authority proposes a reduction in PAN from 45 to 30 for admission to the school in September 2024. It states that the numbers on roll at the school have reduced in recent years and that the forecasts for future years show that 30 would be an appropriate PAN.

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. The proposal includes a statement from the local authority which accepts that there has not been a significant change in circumstances since the admission arrangements were determined by the local authority Cabinet on 16 February 2023 and acknowledges that this change in PAN should have been made through the normal process of consultation and determination of admission arrangements for September 2024. The local authority describes this as an 'unfortunate oversight'.

11. The local authority uses planning areas for their projected numbers based on geographical areas. The school is part of a planning area around Kingsbury with two other primary schools. Each of these schools has a PAN of 30 which makes the total PAN for the planning area 105. In 2021 82 children were admitted to the three schools, in 2022 the figure was 76 and in 2023 the figure was 84. Forecasts of projected numbers in the local authority are calculated in accordance with DfE guidance. Most recent NHS registrations data are used along with historical patterns of parent preference and the impact of any new housing in the area. The local authority forecast that there will be a demand for 80 places in the three schools in 2024 and 88 in 2025. These figures are significantly below the schools' capacity with current PANs.

12. I asked the local authority why the proposed reduction in PAN was for this school rather than either of the other two in the planning area. The local authority reported that the school had requested a PAN reduction to enable it to operate in a financially sustainable way. It suggested that reduction of the current PANs of 30 would be less straightforward to manage operationally within the confines of the infant class size legislation.

13. I looked at the first preferences for the school in the planning area over the last three years and found that in 2021 there were 31 first preferences, 33 in 2022 and 30 in 2023. I asked the local authority what would happen if there were more than 30 first preferences in 2024 and they assured me that the nearest primary school to the school had spare capacity of up to seven pupils.

14. I asked the school for the class organisation at present and their views on the PAN reduction proposal and the headteacher responded. She explained that the school was operating nine classes, some mixed age and others single year group with 206 on roll. She explained that over time numbers have been declining and the mixed classes have caused many issues therefore the school decided not to have any mixed classes in key stage 2. In key stage one there are 31 children in year R (YR), 35 in Y1 and 33 in Y2. Currently these children are arranged over four classes, and this has major financial implications. The headteacher explained that last year 50 Y6 children left and only 31 were admitted. She explained that the implications for the budget are 'huge' as the school is now overstaffed and there need to be redundancies. A reduction in PAN would provide the school with the

stability of knowing that they would be a one form entry school with the associated costs and that future planning would be easier. The governing board of the school have met to discuss this issue on two occasions and support the proposal for a PAN reduction.

15. The school and the local authority support this change and the projected numbers going forward indicate that a PAN of 30 is the most appropriate figure. I accept that the proposal could have been arranged through the process of consultation and determination. This would have allowed local stakeholders to comment and would have avoided the need for a proposal to the OSA. However, I also accept that this change in PAN is necessary for the stability of the school in the short term. Taking all this into account, I therefore find that this variation is justified by the current circumstances, and I 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 Warwickshire County Council for Kingsbury Primary School for September 2024.

17. I determine that the Published Admission Number (PAN) shall be 30.

Dated: 23 November 2023

Signed:

Schools adjudicator: Ann Talboys