



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2373, REF4232

**Admission authority:** The governing board for All Saints CofE Primary School in the London Borough of Croydon

**Date of decision:** 30 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 the governing board for All Saints CofE Primary School for September 2023.

I determine that for admissions in 2023/24, the published admission number for admissions to reception year shall be 30.

I have also considered these arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

I have also considered the arrangements for September 2024 in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that at the time they were brought to my attention, they did not conform with requirements relating to admission arrangements in the ways set out in this determination.

## The referral

1. The governing board for All Saints CofE Primary School (the school) has referred a proposal for a variation to the admission arrangements (the arrangements) for September 2023 to the adjudicator. The school is a voluntary aided school for children aged three to eleven in Upper Norwood. The school has a Church of England religious character and is

located in the local authority area of Croydon and in the Church of England Diocese of Southwark (the Diocese). The Diocese is the school's religious body.

2. The proposed variation is that the published admission number (PAN) be reduced from 60 to 30 for admissions to reception year (YR) in the academic year beginning in September 2023.

## 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 satisfied that the proposed variation is within my jurisdiction. I am also satisfied that it is within my jurisdiction to consider the arrangements in accordance with my powers to do so under section 88I of the Act as the arrangements have come to my attention.

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 authority dated 13 July 2023, supporting documents and further information provided at my request;
- b. the determined arrangements for 2023 and the proposed variation to those arrangements;
- c. comments on the proposed variation from the local authority and the Diocese;

- d. a map (Google Maps) showing the location of the school and other relevant schools; and
- e. information available on the websites of the local authority, the school and the Department for Education.

## The proposed variation

7. It is proposed to reduce the PAN from 60 to 30 for entry to YR in the academic year beginning in September 2023.

8. The referral states that:

“Only 24 children applied for reception Sept 2023 while admission policy [sic] offers 60. This follows on from the previous two years where the school received less than 30 applications. The school will officially reduce their PAN to 30 in 2024-25 having consulted last year.

Over the last two years, it has been a challenge to budget for staffing due to the uncertainty of pupil numbers. Our PAN is currently 60 and as a result we have had in-year admissions pushing our numbers just over 30 putting a strain on our budget as extra staff had to be employed. Situated very close to the school is a hotel accommodating newly arrived families on a temporary basis. This has meant that those pupils join us for a short period of time pushing our numbers close to or over 30, making it very challenging to effectively budget for staffing. The Local Authority have confirmed that if our numbers reach 30, there is enough spare capacity within local schools to meet any extra demand.

This will enable the leadership of the school to budget effectively for 2023-24, ensuring greater stability in staffing and pupil numbers going forward.”

9. In a letter to the local authority dated 13 July 2023, the chair of the governing board adds further detail as follows:

“By limiting the Reception Class to one class of 30 pupils, we can reduce the teaching staff and support staff budgets by employing one less teacher and one less support staff without compromising the staffing structure for the rest of the school.”

10. The proposed variation has the support of the local authority and of the Southwark Diocesan Board of Education. I note here that since the governing board has already determined the admission arrangements for September 2024 with a PAN of 30, my decision about this variation will have an effect on the PAN for 2023/24 only.

11. 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

12. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. 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.

13. 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 if the PAN is reduced from 60 to 30 for 2023/24. 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.

14. 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 areas each containing a number of schools, for this purpose. The school is one of 23 schools admitting children to YR in its planning area. Table 1 below summarises the data supplied to me by the school for the numbers of children admitted to these schools in recent years.

**Table 1: numbers of school places in the planning area and numbers admitted to YR**

	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Sum of PANs of schools in the planning area for YR</b>	1410	1380	1350
<b>Number of children admitted to YR</b>	1154	1140	1160
<b>Vacant places</b>	256	240	190
<b>Vacant places as a percentage</b>	18%	17%	14%

15. As the planning area is large, the school has helpfully highlighted a subgroup of local schools that are considered “easier to get to” for children seeking a place in YR outside the

normal round of admissions, who may move into the area close to the school. The data for these schools, in which I have included the school itself, is summarised in table 2.

**Table 2: numbers of YR places locally and numbers admitted to YR**

	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Sum of PANs of the school and local schools for YR</b>	360	360	360
<b>Number of children admitted to YR</b>	280	283	272
<b>Vacant places</b>	80	77	88
<b>Vacant places as a percentage</b>	22%	21%	24%

16. Both table 1 and table 2 show that there is ample capacity in both the local area and the wider planning area. I am therefore assured that if the PAN for the school were to be reduced from 60 to 30, there would be sufficient vacant places in the local area and in the wider planning area for those seeking a place in YR outside of the normal round of admissions.

17. I now turn to the number of children at the school and the reasons given by the school in support of the variation request. The latest information provided by the school states that as of around mid-November 2023, the school has on roll 30 students in YR, 25 students in Y1, and 29 students in Y2, with each year group containing one class.

18. The request for a variation refers to the governing board's wish to align its staffing and budget to a reducing number of children. The school is regulated 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.

19. If the PAN for the school were to remain at 60, then any in year applications for YR during this current academic year will have to be admitted until at least 60 have been admitted. The infant class size regulations apply to YR, and so in the event of any further admissions that take YR above 30 children, the school would have to either create an extra reception class or reorganise their infant children into mixed age classes. This would present a significant logistical and financial challenge.

20. After consideration of all the factors above, I find that the variation is justified by the circumstances and I approve it. The PAN for 2023/24 will be 30.

## Consideration of the arrangements for September 2023

21. Having considered the arrangements as a whole it appeared to me that there were two matters which were unclear, rendering the arrangements not compliant with paragraph 14 of the Code, which requires that arrangements be clear:

- a. the arrangements state that there are six foundation places, but then go on to state that a set of oversubscription criteria will be applied if there are more than 12 applications, with no explanation as to what would happen if there were between 7 and 11 applications for foundation places; and
- b. the arrangements state that there are 24 open places, even though the PAN (prior to this variation) is 60.

22. In correspondence with the governing board regarding the arrangements for 2024, which are discussed below, I am satisfied that the governing board is aware that certain figures in the 2023 arrangements need to be amended so that the arrangements conform to the Code's requirements for clarity.

## Consideration of the arrangements for September 2024

23. The variation request makes reference to the determined arrangements for 2024, and in particular to the determination of the PAN to be 30. These arrangements were determined under section 88C of the Act by the school's governing board, which is the admission authority for the school. When I subsequently visited the website of the local authority to read those arrangements, it appeared that the arrangements did not, or might not, conform with the requirements for admission arrangements. I therefore decided to use my power under section 88I(5) of the Act to consider them as a whole.

24. Similar to the 2023 arrangements, there were two matters which appeared to be unclear and so in breach of the requirements of paragraph 14 of the Code:

- a. the arrangements, as published on the local authority's website, state that there are six foundation places, but then go on to state that oversubscription criteria will be applied if there are more than 12 applications, with no explanation as to what would happen if there were between 7 and 11 applications for foundation places; and
- b. the arrangements state that there are 12 open places, even though the PAN is 30.

25. The school's governing body have told me that they will be amending certain figures to reflect accurately the original intention of the determined arrangements, namely that there will be six foundation places, a set of oversubscription criteria that apply if there are more than six applicants for these places, and 24 open places. Whilst I have been sent a copy of the arrangements which contains these amendments, I note that as of the date of

this determination, the arrangements which appear on the local authority's website have not been so amended.

## Determination

26. 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 All Saints CofE Primary School for September 2023.

27. I determine that for admissions in 2023/24, the published admission number for admissions to reception year shall be 30.

28. I have also considered these arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

29. I have considered the arrangements for September 2024 in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that at the time they were brought to my attention, they did not conform with requirements relating to admission arrangements in the ways set out in this determination.

Dated: 30 November 2023

Signed:

Schools adjudicator: Clive Sentance