



Office of
the Schools
Adjudicator

Determination

Case references: VAR2381, VAR2387, VAR2379

Admission authority: Wokingham Borough Council for The Colleton Primary School and Robert Piggott CofE Infant School

Date of decision: 15 December 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 Wokingham Borough Council for The Colleton Primary School for September 2023. I determine that the published admission number for admissions in 2023/24 will be 30.

I do not approve the proposed variations to the admission arrangements determined by Wokingham Borough Council for The Colleton Primary School and for Robert Piggott CofE Infant School for September 2024. The published admission numbers for both schools for 2024 will remain at 45.

The referral

1. Wokingham Borough Council (the local authority) has referred to the adjudicator proposals for variations to the admission arrangements (the arrangements) for 2023 and 2024 for The Colleton Primary School (TCPS) and for 2024 for Robert Piggott CofE Infant School (RPIS).
2. Both schools are located in the local authority area of Wokingham. TCPS is a community school for children aged four to eleven in Twyford, Reading. RPIS is a voluntary controlled school for children aged five to seven in Wargrave, Reading. RPIS has a Church of England religious character and is in the Church of England Diocese of Oxford (the Diocese), which is the school's religious body.

3. The proposed variations are:
 - a. for TCPS, that the published admission number (PAN) be reduced from 45 to 30 for admissions to reception year (YR) in the academic year beginning in September 2023 (VAR2381);
 - b. for TCPS, that the PAN be reduced from 45 to 30 for admissions to YR in September 2024 (VAR2387); and
 - c. for RPIS, that the PAN be reduced from 45 to 30 for admissions to YR in September 2024 (VAR2379).

Jurisdiction and procedure

4. The referrals were 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”.

5. The local authority has provided me with confirmation that the appropriate bodies have been notified. I have seen confirmation that the schools’ governing boards have been consulted on the proposed variations. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variations are within my jurisdiction.
6. In considering this matter I have had regard to all relevant legislation, and the Code.
7. The information I have considered in reaching my decision includes:
 - a. the referrals from the local authority dated 10 November 2023, supporting documents and further information provided at my request;

- b. the determined arrangements for 2023 and the proposed variation to those arrangements for TCPS;
- c. the determined arrangements for 2024 and the proposed variations to those arrangements for both schools;
- d. a map showing the location of the schools and other relevant schools; and
- e. information available on the websites of the local authority, the schools and the Department for Education.

The proposed variations

8. For TCPS, it is proposed to reduce the PAN from 45 to 30 for YR entry in the academic year beginning in September 2023, and again from 45 to 30 for September 2024. These proposals have the support of the school's governing board. For RPIS, the proposed variation is to reduce the PAN for September 2024 from 45 to 30. This proposal has the support of the school's governing board and the Diocese. Both schools are situated within the Wokingham Borough North Primary Planning area

9. The referral for TCPS states that:

“The major change in circumstances is that the local authority (a) knows that local (North Area) roll numbers are low for September 2023 (below projected roll numbers) and (b) are projected to be low for September 2024 too. The school has been allocated 22 pupils through the 2023/24 admission numbers, well below the current PAN.

The local authority has been subject to very high rates of immigration (associated with national policy changes) since 2021 (evidenced in 2021 to 2022 and 2022 to 2023 cohort growth analysis). This is a new phenomenon that makes roll projections less reliable, as it is not clear if this will be a long or short term factor. This increased immigration offsets some or all of the ongoing fall in Reception admissions driven by the longer term trend of falling birth numbers in the borough. The fact that the actual numbers admitted are below projected rolls would be consistent with future rolls also falling below current projection levels and indicates that here, at least, the low birth rates are the most important factor in determining admissions numbers.

Although the current roll is less than 30, holding a PAN of 45 creates the risk that the school will be required to take in excess of 30 Reception age children. This would require them to employ an additional teacher to comply with infant class size laws, but without the admitted children generating sufficient funding to cover the additional costs. This would have an adverse impact on the

school's ability to maintain services, including services to children with additional needs. This would be incompatible with the delivery of efficient education."

10. An email from TCPS adds the following:

"Whilst our school benefits from smaller class sizes which is an educational benefit for our children, this comes at a significant cost and we are currently running a deficit budget. However, given that currently Yr4 upwards has a PAN of 60 and Yr3 and below have a PAN of 45 we have to have capacity for this and staff accordingly. As a school we are currently subject to much mobility and instability with our POR number. Since September 2023 we have had 27 children join in year and 14 children leave due to spaces becoming available in a school more local to their homes.

The impact of not reducing our PAN in FS [YR] to 30 is that we are at risk of going over 30 and needing to employ a teacher mid year. As well as the budget implications with the current recruitment and retention issues this would put us in a very difficult position if we are not able to recruit.

This variation in admission number would help us to plan staffing and use of our resources more effectively than we are currently in a position to do."

I note here that there is no provision in education law or in the Code which allows an admission authority to set a PAN for any year group except for the normal year or years of admission. In this case, the schools have only one normal year of admission and that is YR, and the PAN applies for the whole of that year. There is indeed no PAN for other age groups, and the question of whether a child is to be admitted or not falls to be determined purely and simply on the basis of whether the admission would cause prejudice to the efficient use of resources or provision of education (including infant class size prejudice in the case of infant children), as set out in paragraph 1.4 of the Code. This means that there is no requirement in law or the Code for TCPS to organise their non-YR classes in order to provide capacity for potential future admissions up to the number that was the PAN when those cohorts joined the school.

11. The referral for RPIS states:

"The major change in circumstances is that the local authority (a) knows that local (North Area) roll numbers are low for September 2023 (below projected roll numbers) and (b) are projected to be low for September 2024 too. However, the school has been allocated 38 pupils through the 2023/24 admission numbers, and it would be unrealistic to expect the number of children to drop below 30, so no reduction in PAN is proposed for this year.

The local authority has been subject to very high rates of immigration (associated with national policy changes) since 2021 (evidenced in 2021 to 2022 and 2022 to 2023 cohort growth analysis). This is a new phenomenon that makes roll projections less reliable, as it is not clear if this will be a long or short term factor. This increased immigration offsets some or all of the ongoing fall in Reception admissions driven by the longer term trend of falling birth numbers in the borough. The fact that the actual numbers admitted are below projected rolls would be consistent with future rolls also falling below current projection levels.

The fall in Reception admissions for 2023/24, compared to earlier years, has meant that the school has had to employ additional staff (compared to the position they would be in if the PAN had been 30 for this year), without generating the funding, through the funding formula to cover off additional costs. This is an inefficient use of resources.

Reducing the PAN to 30 will enable the school to have only one Reception class and so to operate efficiently during the 2024/25 year. It will also mean that other north area schools can expect to operate at closer to their PAN level, so improving efficiency of operation across the planning area.”

12. 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 variations requested are justified by the change in circumstances.

Consideration of proposed variations

13. There is no formal consultation required for a variation, in which case parents and others are not afforded the opportunity to express their views. Clearly it is desirable that PAN reductions are made by 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.

14. It is therefore particularly important that the proposed variations are properly scrutinised. I have accordingly given careful consideration to the latest available data in order to form a view about the impact of each of the proposed PAN reductions on the sufficiency of school places in the local area. I have considered the demand for places at the schools, the reasons given for the changes, the potential effects on parental preference and whether the changes are justified in these circumstances. I have also carefully considered any similar information available that relates to September 2025. This is because the admissions arrangements for September 2025 have not yet been determined, and so if either of the proposed variations for 2024 were to be approved, the PAN for that

school for 2025 could be set at 30 without objection save from the governing body of the school.

15. 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 schools are two of seven schools admitting children to YR in its planning area. Table 1 below summarises 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 or predicted to be offered a place in YR

	2021	2022	2023	2024	2025
Sum of current PANs of schools in the planning area for YR	230	245	245	245	245
Number of children admitted or projected to be offered a place in YR	218	217	210 (allocated as of 16 June 2023)	209 (projected)	218 (projected)
Vacant places	12	28	35	36 (potentially)	27 (potentially)
Vacant places as a percentage	5%	11%	14%	15%	11%

VAR2381 - TCPS PAN reduction for 2023

16. Table 1 shows that there is surplus capacity of 35 places in the planning area for the 2023/24 academic year. I am therefore assured that if the PAN for TCPS were to be reduced from 45 to 30, there would be sufficient vacant places in the 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 this particular variation request. The latest information provided by the

school states that as of around mid-November 2023, the school has on roll 23 students in YR, taught as a single class.

18. 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. This means that if the PAN for the school were to remain at 45, then any in year applications for YR during this current academic year will have to be admitted until at least 45 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 so that there would be mixing across Key Stages. This would present a significant logistical and financial challenge.

19. After consideration of all the factors above, I find that VAR2381 is justified by the circumstances, and I approve it. The PAN for 2023 for TCPS will be 30.

Place planning for 2024/25 and beyond

20. Table 1 shows that there are currently projected to be 36 surplus places in YR for 2024. However, the proposed variations for 2024 are for a reduction of 15 places at each school, which is a total reduction of 30 places. If both of these were to be approved, the projection would be that only six vacant places remain, which is less than three per cent of the total. In my view, this is not sufficient for the local authority to be certain that it will be able to guarantee places in the area for those seeking a place in YR in 2024/25 outside of the normal round of admissions. This factor places an initial constraint on any determinations in relation to the 2024 arrangements, namely that I would not be able to approve both variations, as to do so would lead to a lack of projected sufficiency for school places for YR during 2024/25.

21. Table 1 also shows that there are currently projected to be 27 surplus places in 2025. This is relevant because if only one of the variations for 2024 is approved, then it would be possible for the PAN for 2025 for that school to be set at 30 without objection save from the governing body. In this case, the projected number of surplus places for 2025 would drop to 12, which is around five per cent of the total. I consider this to be towards the lower end of an acceptable level of sufficiency, and I will comment on this further at a later point.

22. I now turn to the numbers of children at each school and the reasons given by each school to support each variation request.

VAR2379 – RPIS PAN reduction for 2024

23. Table 2 summarises the numbers admitted to the school in recent years, and projections for future years, as supplied by the local authority:

Table 2: numbers of children admitted to YR or predicted to be offered a place in YR at the school

	2021	2022	2023	2024	2025
The PAN for RPIS	45	45	45	45	45
Number of children allocated, or projected to be offered a place	42	34	38	30 (projected)	37 (projected)
Vacant places in YR	3	11	7	15	8

24. 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.

25. The school has told me that on 1 September 2023, there were 36 children in YR. and 37 in Y1. Assuming that any in-year admissions to current year groups are balanced out by leavers, the projections for 2024 are therefore that there will be 103 infant children in total (37 in Y2, 36 in Y1, 30 in YR), regardless of whether the variation is approved or not. This will require a minimum of four classes to avoid breaching the infant class size regulations. In 2025, there are projected to be 103 children if the variation is not approved (36 in Y2, 30 in Y1, 37 in YR), reducing to 96 (36 in Y2, 30 in Y1, 30 in YR) if it is approved. In both cases, at least four classes will be required. Whilst the school may prefer not to mix YR and Y1 children, the variation, if approved, would not of itself reduce the minimum number of classes required to avoid a breach of the infant class size regulations.

26. Table 2 also shows that, whilst a PAN of 30 would be unlikely to have a significant impact on projected parental preference for 2024 (although it would only take one more first preference for RPIS to leave one preference frustrated), it would be likely to lead to a frustration of parental preference for 2025. I note here that in each of 2021, 2022 and 2023, there were more than 30 first preferences for the school.

27. In addition, as mentioned earlier, the level of sufficiency in the area for 2025 would be at a minimum acceptable level if this variation is approved and the equivalent variation for TCPS is not. I note here the local authority's own statements about the inherent volatility

in the forecasts, and hence the potential consequence that the level of sufficiency in 2025 may end up at a level that would be detrimental to those seeking a place outside the normal round of admissions.

28. After consideration of all the factors above, and in particular taking into account the potential frustration of parental preference for the school in 2025, I find that the variation is not justified by the circumstances and I do not approve it.

VAR2381 - TCPS PAN reduction for 2024

29. Table 4 summarises the numbers admitted to the school in recent years, and projections for future years, as supplied by the local authority:

Table 4: numbers of children admitted to YR or predicted to be offered a place in YR at the school

	2021	2022	2023	2024	2025
The PAN for TCPS	30	45	45	45	45
Number of children allocated, or projected to be offered a place	31	35	23	33 (projected)	34 (projected)
Vacant places in YR	None	10	22	12	11

30. The school has told me that it currently has 23 children in YR and 35 in Y1.

31. This means that if the variation is approved and 30 children are admitted in 2024, it is projected that there will be 88 infant children. It would only take a small number of in-year admissions to YR this year, for the total for September 2024 to exceed 90 and hence for the school to be required to organise their infant classes for 2024 into four classes. I make here the observation that in this instance, having 30 children in YR in 2024 would render the school financially worse off than if it had a greater number.

32. I note too from data supplied by the local authority, that in each of 2021, 2022 and 2023, the number of first preferences for the school was broadly similar to the number allocated a place. Taking into account the data in table 3, I conclude that if the variation is approved, a PAN of 30 would lead to a degree of frustration of parental preference for 2024, and subsequently for 2025. In addition, as mentioned earlier, the level of sufficiency in the area for 2025 would be at a minimum acceptable level, with risks to adequate sufficiency given the inherent volatility in the forecasts, if this variation is approved and the equivalent variation for RPIS is not.

33. After consideration of all the factors above, I find that the variation is not justified by the circumstances and I do not approve it.

Further points to note

34. I am conscious of the challenges faced by both schools 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 in 2024 for PAN reductions for 2024, by which time it will have more information about the number of actual applications for YR places at the schools for September 2024. Importantly, the schools would still have time to make any necessary changes to their staffing and class organisation for September 2024.

35. In addition, the local authority would by then also have been able to consult, if it so wished, on any PAN reductions for 2025 following the normal procedures for making changes to admission arrangements. I emphasise that my determinations here have no bearing on that process nor on the PANs for each school that are determined by the local authority for 2025.

Determination

36. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Wokingham Borough Council for The Colleton Primary School for September 2023. I determine that the published admission number for admissions in 2023/24 will be 30.

37. I do not approve the proposed variations to the admission arrangements determined by Wokingham Borough Council for The Colleton Primary School and for Robert Piggott CofE Infant School for September 2024. The published admission numbers for both schools in 2024/25 will remain at 45.

Dated: 15 December 2023

Signed:

Schools adjudicator: Clive Sentance