



Office of
the Schools
Adjudicator

Determination

Case references: VAR2380, VAR2388

Admission authority: Wokingham Borough Council for Gorse Ride Junior School, Finchampstead, Wokingham

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 Gorse Ride Junior School for September 2023. I determine that the published admission number for 2023 will be 32.

I do not approve the proposed variation to the admission arrangements determined by Wokingham Borough Council for Gorse Ride Junior School for September 2024. The published admission number for 2024 will remain at 64.

The referral

1. Wokingham Borough Council (the local authority) has referred proposals for variations to the admission arrangements (the arrangements) for 2023 and 2024 for Gorse Ride Junior School (the school) to the adjudicator. The school is located in the local authority area of Wokingham and is a community school for children aged seven to eleven in Finchampstead, Wokingham. It is federated with Gorse Ride Infants' School (the infant school), which is located on the same site; the federation has a single senior leadership team and governing board.
2. The proposed variations are:
 - A. that the published admission number (PAN) be reduced from 64 to 32 for admissions to year 3 (Y3) in the academic year beginning in September 2023 (VAR2380); and
 - B. that the PAN be reduced from 64 to 32 for admissions to Y3 in September 2024 (VAR2388).

Jurisdiction and procedure

3. 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”.

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 variations. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variations are 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 November 2023, supporting documents and further information provided at my request;
- b. the determined arrangements for 2023 and the proposed variation to those arrangements;
- c. the determined arrangements for 2024 and the proposed variation to those arrangements;
- d. a map showing the location of the school 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

7. It is proposed to reduce the PAN for Year 3 entry in the academic year beginning in September 2023 from 64 to 32, and from 64 to 32 for September 2024. These proposals have the support of the school's governing board.

8. The referral states that:

“The council is experiencing a period of roll volatility, reflecting the impact of two forces:

- Low and declining birth numbers, leading to falling admissions into the initial year of entry to the primary education phase, the Reception Year.
- Continued high rates of migration into the borough (associated with high national net migration rates), leading to rolls rising through the primary education phase.

Consequently, the council's projections point to static primary rolls until 2027/28, but with Year 6 rolls being on average 427 (21%) greater than Year 1 rolls.

Since the high immigration numbers are a new phenomenon (starting in 2021) and future child migrant numbers are unknown (if inherent in projections), the council has been reluctant to reduce Junior School PANs, to minimise the risk of there being too few places in Key Stage 2 if migration into the borough continues. This creates a potential problem for paired schools, as reduced primary school numbers move through into the paired junior school (particularly if the Infant School PAN and Years 1 and 2 rolls have been capped at a lower number than the Junior School PAN, as is the case here). The Junior School may be required to admit significantly over 30 children (or a multiple thereof), and (even though infant class size legislation does not apply to Junior Schools) having to employ additional teaching staff, without having enough children on roll to generate sufficient additional funding to cover the additional costs.

The new factor is that council's most recent projections (summer 2023) indicate that there will be sufficient capacity in Year 3 in the 2023/24 year in the local South East Planning area and at the school (and in the south east planning area) in the 2024/25 year, without places at this school. The council therefore intends to agree and fund additional places with schools, should they be required, rather than seeking to retain places in Gorse Ride Junior School.

The 2023/24 Year 3 roll currently stands at 35 children, but the school expects numbers to drop back to 32 over the year. The school has not employed a permanent or long term temporary additional teacher for Year 3 but would do so if rolls increase or are maintained at current levels through new admissions. This

would be prejudicial to the provision of efficient education or the efficient use of resources. That there is a significant risk that the school Year 3 roll will exceed 32, in 2024/25 requiring the school to employ additional teaching staff, but without receiving sufficient additional budget to meet these costs. This would be prejudicial to the provision of efficient education or the efficient use of resources.

The reduced admission number will ensure that the school admits up to 32 children and as a consequence can plan school staffing on that basis. They do not hold the risk of having to employ additional teachers, either at short notice or at risk because of the possible need to staff an additional class.”

9. A letter from the school sets out further detail about its financial position, as follows:

“Due to our current enrolment being below the full capacity by 49 children, we have experienced a reduction in the Age-Weighted Pupil Unit (AWPU) funding. This reduction equates to £173,068 representing a substantial loss of income for our school. Presently, we are operating with two teachers for years 4 to 6 and one teacher for year 3. The impact of another child joining in year 3 would necessitate the recruitment of an additional full-time teacher. However, considering our current financial constraints, this would mean stretching an already tight budget without any additional income.

The projection for the 2024/2025 academic year indicates a substantial shortfall in AWPU income, amounting to £286,092 compared to full capacity funding. This financial gap would make it practically impossible for us to absorb the cost of hiring another teacher if we do not make adjustments, such as transitioning to a one-form entry.”

10. 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

11. 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.

12. 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 school, 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 arrangements for September 2025 have not yet been determined, and so if the proposed variation for 2024 were to be approved, the PAN for 2025 could be set at 32 without objection save from the governing body of the school.

VAR2380 – PAN reduction for 2023

13. 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.

14. The school is in the Wokingham Borough South East Primary planning area. It is one of two junior schools in the area, and there are six other schools which admit children to YR.

15. Data supplied by the LA shows that:

- a. there were 52 allocations for Y3 entry in September 2023 to the other junior school, which has a PAN of 64; and
- b. there has been a historical pattern of a significant number of surplus places in YR admission in the schools that admit children to YR, with an average over the last three years of around 40 vacant places each year, which is about 20 per cent of the total.

16. I am therefore assured that if the PAN for 2023 were to be reduced from 64 to 32, there would, in line with the submissions of the local authority, still be sufficient vacant places in the area for those seeking a place in Y3 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. Table 1 shows data supplied by the school showing how classes are organised as of 21 November 2023.

Table 1: Classes at the school as of 21 November 2023

	Y3	Y4	Y5	Y6
Number of pupils	34	52	52	61
How pupils are organised	1 class	2 classes	2 classes	2 classes

18. If the PAN for the school were to remain at 64, then any in year applications for Y3 during this current academic year will have to be admitted until at least 64 have been admitted. Currently Y3 is very large, and the sizes of the other year groups offer little or no scope for satisfactorily reorganising the classes into mixed year group classes. I therefore find that the above data supports the school's assertions that it would be necessary to create an additional class if further children are admitted to year 3, and I agree that this would provide a significant financial challenge given the circumstances of the school.

19. After consideration of the factors above, I find that VAR2380 is justified by the circumstances, and I approve it. The PAN for 2023 will be 32.

VAR2388 – PAN reduction for 2024

20. As described earlier, data supplied by the LA shows that there was considerable surplus at the point of admission to YR for the six relevant schools in the planning area in both 2021, when the current Y2 joined YR, and in 2022, when the current Y1 joined YR. In 2021, the combined PANs were 241, and 192 places were allocated. In 2022 the combined PANs were 211, and 173 places were allocated. I note that the LA's forecast for the school is for 26 admissions in 2024 and 26 admissions in 2025. In the other junior school in the area, which has a PAN of 64, the forecasts are for 57 admissions in 2024 and 53 admissions in 2025.

21. On the basis of the figures in the previous paragraph, I find that there is no evidence that the proposed variation will lead to a general lack of sufficiency in Y3 in 2024/25 or 2025/26, for children who require a school place either by transfer from infant school or by moving into the area.

22. However, data supplied by the school shows that at the linked infant school, which has a PAN of 30 for admission to YR in 2024, there are currently 29 children in Y2, 28 in Y1, and 25 in YR. Each of these year groups is taught separately in a single class. These figures mean that I must also consider whether the proposed PAN reduction for the school might lead to a shortage of places for children transferring from the linked infant school.

23. I note here the reference made by the local authority to “capped” numbers in Years 1 and 2 at the infant school. There is no provision in education law or in the Code which allows an admission authority to cap numbers. The PAN applies only to the normal year of admission and applies for the whole of that year. In the case of infant schools this is for all of YR and in the case of this school for all of Y3. Outside normal years of admission, 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). Different rules apply only in very limited circumstances which are not relevant here. It is not permitted simply to refuse admission because some arbitrary figure has been reached; all applications must be considered, and an appeal offered if they are refused.

24. The admissions criteria for the school can be summarised as follows:

- A. Looked-after and previously looked-after children.
- B. Children with exceptional medical or social needs.
- C. Children attending the linked infant school
- D. Siblings who live in the school’s “designated area”
- E. Other children living in the “designated area”.
- F. Other siblings.
- G. Other children.

Applications are considered to meet criteria D and F if the child’s sibling is at the linked school at the time of admission.

25. The current numbers of children in Y2 and Y1 are 29 and 28 respectively, and there is an inherent volatility in the pupil numbers due to unpredictable levels of migration into the borough. Given that there is no “cap” on these numbers, as explained above, and given that children meeting criteria A or B are a higher priority than those meeting criterion C, I cannot completely rule out the possibility that the proposed PAN reduction may, in a certain combination of circumstances, leave a shortage of places at the school for children who wish to transfer from the linked infant school in 2024 or 2025. Whilst there will still be places in Y3 elsewhere, some parents may have already submitted their preferences for September 2024, and may have made a different set of preferences had a PAN of 32 already been in place.

26. After consideration of the factors above, I find that VAR2388 is not justified by the circumstances, and I do not approve it. The PAN for 2024 will be 64.

27. I am 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 in 2024 for a PAN reduction for 2024, by which time it will have more information about the number of actual applications for Y3 places at the school for September 2024. Importantly, the school would still have time to make any necessary changes to their staffing and class organisation for September 2024. In addition, the local authority would by then also have been able to consult, if it so wished, on any PAN reduction for 2025 following the normal procedures for making changes to admission arrangements. I emphasise that my determination here has no bearing on that process nor on the PAN that is determined by the local authority for 2025.

Determination

28. 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 Gorse Ride Junior School for September 2023. I determine that the PAN for 2023 will be 32.

29. I do not approve the proposed variation to the admission arrangements determined by Wokingham Borough Council for Gorse Ride Junior School for September 2024. The PAN for 2024 will remain at 64.

Dated: 15 December 2023

Signed:

Schools adjudicator: Clive Sentance