



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2390

Admission authority: Warrington Borough Council for The Cobbs Infant and Nursery School, Warrington

Date of decision: 12 February 2024

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 Warrington Borough Council for The Cobbs Infant and Nursery School, Warrington for September 2024.

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

The referral

1. Warrington Borough Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2024 (the arrangements) for The Cobbs Infant and Nursery School (the school) to the adjudicator. The school is a mixed community school for children aged two to seven in Warrington, Cheshire.
2. The proposed variation is to reduce the published admission number (PAN) from 90 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:

“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 variation. I find that the appropriate procedures were followed, and I am also satisfied that the proposed variation is within my jurisdiction. In considering this matter I have had regard to all relevant legislation, and the Code.

5. The information I have considered in reaching my decision includes:

- a. the referral from the local authority dated 11 December 2023, supporting documents and further information provided at my request;
- b. the determined arrangements for 2024;
- c. comments on the proposed variation from the school;
- d. a map showing the location of the school and other relevant schools; and
- e. information available on the websites of the local authority and the Department for Education.

The proposed variation

6. The proposed variation is to reduce the PAN of the school from 90 to 60 for September 2024. The arrangements for the school for 2024/25 were determined by the local authority on 14 February 2023.

7. 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

8. The local authority states the issue in the following terms:

“Since the setting of the determined admission arrangements for 2024/25 in Warrington Local Authority, The Cobbs Infant and Nursery School have taken in a

low intake of 54. The school's PAN is set at 90. At the moment the school is able to operate two classes instead of three. Due to changes in demand for places in the local area over the last few years, the size of The Cobbs' Reception intake has reduced:

- In 2020/21 75 children were admitted.
- In 2021/22 68 children were admitted.
- In 2022/23 71 children were admitted.
- In 2023/24 56 children were admitted.

For the 2023/24 school year the school is able to operate two classes only as the intake was less than 60 children. However, if this number was over 60 then the school would be required to operate with three classes, with the need to employ an additional teacher and teaching assistants. Whilst the PAN is 90, this presents a financial risk.

On 11th December 2023 preferences for The Cobbs stand as 32 first preferences, 22 second preferences and 16 third preferences and so at this point we are expecting offer under 60 places again and so this change will not have an impact on families seeking places.

The Cobbs is in the Warrington South pupil planning area. The number of births in this area in 2019/20 was 231. The expected demand on this area for the 2024/25 intake is 334. The total number of places offered in Reception (based on current PAN at each school is 390). After the PAN reduction the total PAN is 360 meaning that there is sufficient available capacity to reduce the PAN at The Cobbs from 90 to 60 without detriment to families seeking places in the area."

9. The local authority informed me on 17 January 2024 that it had received 45 first preference applications for places at the school. The deadline for submitting applications was 15 January 2024. The local authority stated:

"For the 2023/24 school year the school is able to employ two teachers [for reception year group]... If over 61 or more children are allocated places at The Cobbs [for admission in September 2024] the school would be required to employ three teachers to teach that year group... [Excluding] nursery provision...[t]he number on roll at the school is 198 out of a capacity of 270.

The funding gap created by this undercapacity is significant, particularly due to the need to employ 8 class teachers (based on current numbers on roll, excluding Nursery).

In addition, there is 1 part-time SENCO. 6 FTE teaching assistants are employed in the same year groups.

If the PAN is reduced to 60 then the school would be able to reduce class teaching staff requirements to 7 in 2024 and then to 6 from the following year. The school can organise appropriate teaching assistant staffing based on the needs of the children on roll.”

10. The local authority has a duty to make sure that there are sufficient school places for the children in its area. If I determine that the PAN for the school reduces to 60 for admission in September 2024, I need to consider if there are sufficient places to meet local demand in September 2024. The local authority considers the availability of and the need for places in “planning areas”, that is geographical groups of schools. The school is currently in the Warrington South planning area (the planning area) which consists of eight schools which admit to reception class.

11. The local authority provided me with information, set out in the tables below, about the number of places in the Warrington South planning area (Table 1), the number of children admitted in the last three years (Table 2) and the forecast for admission to the schools in the planning area in 2024 and 2025 (Table 3):

Table 1: PANs of the schools in the planning area for each relevant year of entry 2021-2025

	2021	2022	2023	2024	2025
Appleton Thorn Primary School	30	30	30	30	30
Grappenhall Heys Community Primary School	30	45	60	60	60
Grappenhall St. Wilfrid’s Church of England Primary School	60	60	60	60	60
St Monica’s Catholic Primary School	30	30	30	30	30
St Thomas’ Church of England Primary School	30	30	30	30	30
Stockton Heath Primary School	60	60	60	60	60
Stretton St Matthews Church of England Primary School	30	30	30	30	30
The Cobbs Infant and Nursery School	90	90	90	60	60
Total	360	375	390	360	360

*Note that this includes the proposed PAN change for 2024 and 2025 at The Cobbs

Table 2: The number of children admitted to the schools at the usual point or points of admission in 2021-2023

	2021	2022	2023
Appleton Thorn Primary School	20	20	30
Grappenhall Heys Community Primary School	30	45	60
Grappenhall St. Wilfrid's Church of England Primary School	60	60	60
St Monica's Catholic Primary School	17	13	18
St Thomas' Church of England Primary School	30	27	30
Stockton Heath Primary School	60	60	53
Stretton St Matthews Church of England Primary School	29	30	26
The Cobbs Infant and Nursery School	68	73	55
Total	314	328	332

Table 3: Forecast of total number to be admitted to the schools for 2024-25 and 2025-26

Year of birth	Year of entry to Reception	Births	Forecasted demand on Reception	PAN
2019-2020	2024-2025	231	337	390 (pre-PAN change at The Cobbs, 360 afterwards)
2020-2021	2025-2026	245	369	390 (pre-PAN change at The Cobbs, 360 afterwards)

12. I note from Table 3 that although the forecast demand for reception places in 2024-25 appears to justify the proposed variation in PAN at the school, in 2025 demand is forecast to exceed the total of available places by nine. However, the local authority informed me that the current planning areas are too large to enable accurate forecasting and for this reason it was seeking approval from the Department for Education to change the planning areas to match Lower Super Output Areas (LSOAs) rather than ward boundaries. This change was approved on 11 January 2024. The new, smaller planning area for the school is called Stockton Heath. It includes only five primary schools (instead of the previous eight), of which four, including the school, admit to reception year. The total number of reception places available in the new area is currently 210. If the variation is approved, it will be reduced to 180. Table 4 sets out the forecast demand for places in the area, which is expected to be less than the number of places available except this year when demand will exceed availability by one. This is consistent with the pattern of demand for places at the school in recent years (see paragraph 14).

Table 4: Forecast demand for Stockton Heath planning area

Year of birth	Year of entry to Reception	Births	Forecasted demand on Reception	Available places
2018-19	2023-24	135	159	210
2019-20	2024-25	138	181	180
2020-21	2025-26	115	145	180
2021-22	2026-27	135	169	180

13. I asked the school for comments on the proposal to reduce the PAN, specifically the impact if the PAN is reduced or if it is not agreed. The Chair of Governors replied:

“If the variation is agreed, the school would be able to maintain the current staffing structure and room arrangements. As our current reception cohort is under sixty, we have two fuller classes, rather than three smaller ones. The room which was the third classroom in the past, has now been repurposed as a valuable intervention space, and having one less teacher helps to reduce the financial strain that the school is currently experiencing. The recently obtained figures indicate that the number of first choice places for our reception in September 2024 is forty-five. Even considering the likelihood of children who placed The Cobbs as their second or third choice being allocated a place at our school, the cohort is unlikely to exceed sixty and two classes would be the most appropriate structure for the year group.

If the variation were not to be agreed, the rooms referred to above would have to be reconfigured again to accommodate the new class and we would need to go through the recruitment process to recruit for a new member of teaching staff. This would be a considerable financial burden on already stretched finances.

As there is a significant possibility that the admission numbers for September will be less than sixty, it is most likely that we will begin the year with two classes, even if the variation is not agreed. However, without an agreement, we would then have the risk of in-year transfers pushing the cohort over sixty, forcing us to create a third class, which would involve mid-year recruitment and restructuring the classes, disrupting the children’s learning. In addition, you could argue that as we have two classes this year and are planning to reduce the PAN of the school to two classes for September 2025, having three classes for the academic year in between would create confusion and inconsistency for both the school and local community.

Finally, as we are an infant school, our children transfer at the end of key stage one to Broomfields Junior School. Broomfields are currently in the process of going through consultation to reduce their own PAN to 60. If the year group in question were to be above this number, due to the variation not being agreed, this would then mean that a number of those children would not be offered a place at the junior school. This is going to mean rethinking the admission process for Broomfields as transition could no longer be automatic. This is likely to be very distressing to those children and families who do not get a place and we feel that this would be hugely off-putting to families looking for a school for their children.”

14. Numbers at the school have declined over recent years: 75 children were admitted in 2020; 68 in 2021; 71 in 2022; 56 in 2023 and the local authority expects to make fewer than 60 offers this year (there were 45 first preferences expressed for the school on 17 January 2024, after the closing date for applications). I am satisfied on the basis of the information provided by the local authority that there are unlikely to be any children displaced by a reduction in PAN at the school. If, however, there are any such children the local authority informs me that they are likely to be admitted to Appleton Thorn Primary School (1.69 miles from the school) or Alderman Bolton Primary School (1.09 miles from the school). Another 12 primary schools that admit to reception year are less than 2.445 miles from the school, the distance that the last child offered a place in the school’s 2023 intake lived from the school.

15. Schools are largely funded by the number of children on roll and one of the highest costs is staffing. Declining pupil numbers could mean financial difficulties for the school and reducing the PAN to 60 will provide certainty over staffing requirements and avoid the risk that the governing board will have to incur significant unplanned mid-year expenditure.

16. In normal circumstances, paragraph 1.3 of the Code imposes a mandatory duty to consult on proposals to reduce admission numbers. The purpose of this requirement is to ensure that the potential impact on other local schools and parental choice is properly considered before a decision is made. However, this requirement does not apply to an in-year variation and therefore has the practical effect of depriving the local community of an opportunity to comment on the proposal that would otherwise be their right, as the reduced admission number becomes the “baseline” and the requirement to consult only applies if there is a further proposed reduction.

17. I note however that the proposed variation in this case is, in effect, for one year only as a consultation has already been carried out in relation to a proposed reduction in the admission number to 60 from 2025 onwards. The consultation concluded on 5 January 2024. The local authority has informed me that there were no responses to the consultation and that the reduced admission number for the school is part of the admission arrangements for 2025, determined on 30 January 2024.

18. I am satisfied that there are sufficient vacant places in the new planning area if there are further requests for places in the course of the academic year 2024-2025 and that no

child will be displaced from the school by the variation. I find that the variation to the admission arrangements, which in practice is for 2024 only, is justified by the circumstances and approve the proposed variation.

Determination

19. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Warrington Borough Council for The Cobb Infant and Nursery School for September 2024.

20. I determine that for September 2024 the published admission number for The Cobbs Infant and Nursery School will be 60.

Dated: 12 February 2024

Signed:

Schools adjudicator: Helen Jeffrey