



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2392

**Admission authority:** Wigan Metropolitan Borough Council for Parklee Community School, Atherton

**Date of decision:** 15 February 2024

## Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by Wigan Metropolitan Borough Council for Parklee Community School for September 2024.

## The referral

1. Wigan Metropolitan Borough Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2024 (the arrangements) for Parklee Community School (the school) to the adjudicator. The school is a community school for children aged three to eleven in the town of Atherton.
2. The proposed variation is that the published admission number (PAN) be reduced 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 provided evidence 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.

5. In considering this matter I have had regard to all relevant legislation and the Code. The information I have considered in reaching my decision includes:

- a. the referral from the local authority dated 21 December 2023, supporting documents and further information provided at my request including the preferences made for the schools in the planning area for 2024;
- b. the determined arrangements for 2024 and the proposed variation to those arrangements;
- c. comments on the proposed variation from the governing board including extracts from the minutes of its meetings discussing the proposed PAN reduction;
- 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 DfE).

## The proposed variation

6. The local authority is seeking this reduction as part of its strategy for the area in which the school is situated and said, “Reducing surplus places is beneficial to the planning area as it will help to mitigate the impact of falling birth rates.” 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 groups of schools, for this purpose. The planning area for the school is based around Atherton and there are nine schools which admit children to reception year (YR) in the planning area (including the school).

7. The DfE website, ‘Compare school and college performance in England’ shows that there are eight other state-funded schools which admit children to YR within one mile of the

school (measured in a straight line). These eight schools, plus the school, are the schools within the planning area used by the local authority and all have been judged to be good or better by Ofsted at their most recent inspection. The local authority is consulting on reducing the school's PAN to 30 for 2025. The consultation closed on 15 January 2024.

8. The local authority said it forecasts an overall reduction in the number of places required in YR in the near future. It therefore seeks to reduce the number of places available across the area in which the school is situated so that schools have economically sized intakes. The local authority is conscious that the school, and the other primary schools in the area, are affected by the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) which 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. The infant class size regulations apply to YR, year 1 (Y1) and year 2 (Y2).

9. As schools are largely funded based on the number of pupils on their rolls, it is more attractive financially for primary schools to have classes of 30 or near to 30. Classes that are significantly smaller than 30 can create economic strain upon a school. The local authority said, "As pupil funding is directly linked to the number of children on roll, this puts schools under financial pressure if they have unfilled places. This can be particularly difficult for schools who have more than one form of entry where the second class does not fill."

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 variation requested is justified by the change in circumstances.

## **Consideration of proposed variation**

11. 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. I will therefore consider in detail the context of the school, demand for school places and the reasons for the proposed variation.

12. My first consideration is whether there would be sufficient school places in the area if the PAN were to be reduced to 30 for 2024. I looked at the data on the planning area including trends over time. Table 1 provides a summary of the demand for the schools in the planning area in recent years.

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

	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Sum of PANs of schools in the planning area for YR</b>	330	330	330
<b>Number of children admitted</b>	282	269	257
<b>Vacant places</b>	48	61	73

13. Table 1 shows that demand for places in YR decreased between 2021 and 2023. In 2023, the number of vacant places in YR in the schools in the area represented 22 per cent of the sum of the PANs for those schools. Most local authorities seek to have at least five per cent of places vacant to give flexibility to accommodate those moving into the area. Twenty-two per cent would be regarded as a high proportion. I can see that if the PAN for the school had been 30 in 2023, and thus 15 fewer places were available, there still would have been sufficient places for all the children requiring a place. The local authority has also told me that the forecast for demand for places in 2025 is 279, and is 276 for 2026. These are similar numbers to those for 2021 and so do not show a continuing reduction in demand.

14. A first preference is the school a parent most wants their child to attend. There can only be one first preference for each child, so the number of first preferences gives an indication of demand for places in an area. The number of first preferences for schools in the planning area for 2024, following the closing date for applications on 15 January 2024, is 291. If the PAN for the school were to be 30, as proposed, the sum of the PANs would be 315 and, with 291 first preferences, this could leave 24 vacant places. This would be around eight per cent vacant places and so a healthy sufficiency; every child could have a school place.

15. I will now consider demand for places at the school and the reasons why the governing board supports the proposed reduction in PAN. Table 2 summarises the admissions to the school.

Table 2: the number of children admitted to the school in recent years

	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>The PAN for the school</b>	45	45	45
<b>The number of first preferences</b>	32	49	38
<b>Number of children admitted to YR</b>	35	43	37
<b>Number of vacant places</b>	10	2	8

16. Table 2 shows that the number of first preferences has been above 30 in each recent year, and that more than 30 children have been admitted. As I explained above, one aspect of the proposed reduction in PAN is to assist in forming more economically sized classes. I therefore asked for the class organisation in the school. The school's PAN of 45 makes it likely that the class organisation will include mixed aged classes, that is where classes have children from more than one year group. The information provided to me on 9 January 2024 is shown in table 3.

Table 3: class organisation at the school 9 January 2024

	<b>Number of children in year group</b>	<b>Classes and number of children in the classes</b>
<b>YR</b>	36	Two classes of 18
<b>Year 1</b>	44	One class of 30
		One class of 26: combined years 1&2
<b>Year 2</b>	42	One class of 30
<b>Year 3</b>	43	One class of 28
		One class of 31: combined years 3&4
<b>Year 4</b>	45	One class of 29
<b>Year 5</b>	45	One class 29
		One class 30: combined years 5&6
<b>Year 6</b>	43	One class 29

17. There are 11 classes in the school and the majority have around 30 pupils. There are two classes of 18 for YR: it is not unusual for a school to invest in YR by providing small classes when the children join the school although clearly this is an expensive model. Presumably, if 45 children had been admitted YR would have had two classes of 22 or 23 which would be more economic. Otherwise, the structure looks financially efficient. The numbers in the year groups, apart from the current YR, are approaching 45, the current PAN for the school.

18. I understand from the records sent to me that the governing board wishes to have, with the support of the local authority (and thus the consultation by the local authority), a PAN of 30 from 2025 and classes with single ages. This would take about five years to be established throughout the school.

19. The number of first preferences for the school for 2024 is 54. This is almost double the PAN proposed for 2024 and more than the existing PAN of 45. If I were to agree to set the PAN at 30 then parental preference would be significantly frustrated and this would require strong justification as parents have already made their preferences in the understanding that the PAN for the school is 45. The governing board gave its reasons for supporting the reduction in the PAN for 2024 as follows:

- 19.1. "As some staff have moved on to promotions recently this is an ideal time for us to reduce our numbers supporting the financial stability of our school as well as supporting the intake of other schools in the local area."
- 19.2. "Another local school was currently at risk of closure due to only receiving twelve pupils per year and secure schools had an obligation to help to avoid a closure."
- 19.3. The "School was reviewing other opportunities to expand the nursery and bolster income during the five year interim period and change the entry age to two years of age to extend the educational journey of the child at Parklee."

20. The turnover of staff is a common occurrence in most schools and is not sufficient to justify varying the PAN as proposed; it is a reason of convenience, rather than a compelling reason to reduce the PAN. I have been given no reason to think that the potential expansion of nursery provision is dependent on the PAN being 30 in 2024. I have been provided with no information suggesting that the school has any financial difficulties which might warrant reducing the PAN in the light of parental preference.

21. Nor am I persuaded by the references to the potential closure of another school or convinced that setting the PAN at 30 for 2024 would be the deciding factor in any such decision. The figures provided to me by the local authority do not forecast a significant reduction in demand, if much at all. As 54 parents have put the school as their first preference for 2024, I conclude that to reduce the PAN to 30 for 2024 would result in significant frustration of parental preference without sufficiently valid reasons. I therefore find that the variation is not justified by the circumstances and do not approve the proposed variation. The PAN remains at 45.

## Determination

22. In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by Wigan Metropolitan Borough Council for Parklee Community School for September 2024.

Dated: 15 February 2024

Signed:

Schools adjudicator: Deborah Pritchard