



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2401

Admission authority: Hertfordshire County Council for Roger de Clare First CofE School in Puckeridge, Hertfordshire

Date of decision: 8 May 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 Hertfordshire County Council for Roger de Clare First CofE School for September 2024.

I determine that the published admission number for admissions to reception year in September 2024 shall be 30.

The referral

1. Hertfordshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements (the arrangements) for September 2024 for Roger de Clare First CofE School (the school) to the adjudicator. The school is a voluntary controlled school for children aged three to nine in Puckeridge. The school has a Church of England religious character and is located in the local authority area of Hertfordshire and in the Church of England Diocese of St Albans (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 2024/25.

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 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 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.

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

- a. the referral from the local authority dated 26 March 2024, supporting documents and further information provided at my request;
- b. the determined arrangements for 2024 and the proposed variation to those arrangements;
- c. comments on the proposed variation from the local authority and the Diocese;
- 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 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 2024/25.

8. The referral, which was received prior to national offer day for September 2024 admissions (16 April 2024), states that:

“Roger de Clare C of E (V C) First and Nursery School currently has a PAN of 60. A reduction in the school’s PAN to 30 was agreed by County Council

Cabinet [in] February 2024, for implementation in the 2025/26 academic year...

Despite the PAN reduction already approved for 2025/26 in recognition of falling numbers in the area, Reception applications for 2024/25 are below the projected forecast numbers for the area with only 25 first preferences.

Roger de Clare C of E (V C) First and Nursery School sits in the Braughing and Puckeridge primary planning area (PPA) with two other first / primary schools offering a total of 90 Reception places... The school has been undersubscribed for a number of years and a previous inflow of pupils to the school from outside the area has reduced...

For September 2024, the forecast indicates a demand for 88 Reception places, however only 64 first preferences for the schools in the area have been received; 26 for Roger de Clare. The higher level of demand in the forecast results from the historic trend of inflow into the area. Although the Reception allocation process for 2024/25 is not complete, early analysis indicates that the school will not be allocated more than 30 pupils.

The number of pre-school aged children living in the area from September 2023/24 onwards is lower than in previous years, by nearly 1 form of entry in some years. There are fewer children living in this area than the number of Reception places available from 2024/25 onwards.

The fall in GP registration data confirms the drop-in birth rate, the consequent decrease in Reception allocations and therefore financial pressure on schools in Puckeridge and Standon in maintaining existing intake levels within the requirements of infant class size legislation. Initial budget setting has projected a deficit of circa £160,000 if the school maintains current staffing levels. Reducing the PAN to 30 will allow the school to bring its' staffing in line with the reality of numbers in the local area and ensure a viable and sustainable model of operation for the school.

Reducing the PAN will allow senior leaders and governors to establish a budget which is predicated on a realistic and accurate figure for income/pupil intake, so that funds can be accurately and precisely targeted to maximise the quality of education at the school.

This would include:

- establishing an efficient and effective staffing structure
- releasing funds to maintain and enhance vital school resources

The reduction in PAN would allow the school to better organise to ensure a stable and financially viable organisation and allow the school to strategically plan.”

9. The proposed variation has the support of the Diocese of St Albans. I note here that since the local authority has already determined the admission arrangements for September 2025 with a PAN of 30, my decision about this variation will have an effect on the PAN for 2024 only.

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. 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.

12. 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 2024/25. 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.

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. The school is one of three schools admitting children to YR in its planning area, and the local authority has provided me with data to evidence the decline over time in the number of pupils admitted to the schools, as shown below in table 1.

Table 1: Number of children admitted to schools in the planning area

| | 2020/21 | 2021/22 | 2022/23 | 2023/24 | 2024/25 (allocated) |
|--|---------|---------|---------|---------|------------------------|
| Roger de Clare First CofE School | 55 | 51 | 49 | 34 | 30 |
| Jenyns First School | 14 | 9 | 15 | 12 | 15 |
| St Thomas of Canterbury Catholic Primary School | 15 | 15 | 15 | 15 | 15 |
| TOTAL | 84 | 75 | 79 | 61 | 60 |

14. The figures in the final column in table 1 have been confirmed by the local authority as the numbers allocated to these schools on national offer day. Table 2 compares these numbers to the PANs of the schools.

Table 2: numbers of school places in the planning area and numbers allocated to YR for September 2024

| | Roger de Clare First CofE School | Jenyns First School | St Thomas of Canterbury Catholic Primary School |
|--|---|--------------------------------|--|
| PAN for 2024/25 (prior to proposed variation) | 60 | 15 | 15 |
| PAN for 2024/25 (after proposed variation) | 30 | 15 | 15 |
| Allocated places for September 2024 | 30 | 15 | 15 |

15. From the above data, and also from GP registration data supplied by the local authority, I am confident that the local authority has correctly identified the trend for the declining number of children in the area. However, it is also clear that if the PAN for the school were to be reduced from 60 to 30, YR in September 2024 would be full for the

planning area and so there would be no vacancies for those seeking a place in YR outside of the normal round of admissions.

16. I note at this point that the allocation numbers for September 2024 are such that there has been no frustration of parental preference. I therefore asked the local authority about how sufficiency might be ensured were an additional child (or children) to move into the area and require a place in YR. In response to my queries, the local authority told me:

“Whilst a reduction to a PAN of 30 at Roger de Clare First School may leave the primary planning area with no Reception vacancies in the area, that is by no means certain. The school has 30 children allocated a Reception place but 3 remain on the continuing interest list for higher preference schools.

Although there are only 3 schools in the Planning area there are 7 other first/primary schools within 4 miles of Roger de Clare First School and 6 of these schools have vacancies in Reception for September 2024.

The area has relatively little movement in Reception:

- Last year, Roger de Clare’s allocations decreased by 1 between national allocation day and the start of term.
- The school has only had one allocation into Reception this academic year.

If it is not possible to provide a place within Puckeridge for a child living within the town and seeking a place at Roger de Clare, one of the following options will be actioned:

- Use of the FAP to place at Roger de Clare or St Thomas of Canterbury if there is no place within a reasonable distance (HCC defines reasonable distance as the statutory walking distance for primary aged children)
- Agreement with Roger de Clare to admit over PAN in Reception as long as ICS legislation is not breached (this is possible with current numbers if vertical grouping in [sic] introduced)
- Provision of free home-school transport to the nearest schools with a vacancy, in line with HCC’s home-school transport policy (6 schools within 4 miles with Reception vacancies)”.

17. After considering the data together with the above points, I agree that it is unlikely that there will be any significant demand for further YR places in the planning area in 2024/25. In the event of a small additional demand, I am not persuaded that after the start of the school year, the school would wish to rearrange its classes to accommodate an additional in-year admission. However, I am satisfied that the local authority’s two other suggestions, namely the provision of home-school transport to reception places available

within four miles and the use of the Fair Access Protocol, together constitute an appropriate contingency plan to address the possibility that there might be an additional child, or small number of additional children, requiring a place in YR.

18. I now turn to the number of children at the school and the reasons given by the school in support of the variation request, which refers to the governing board's wish to align its staffing and budget to the reducing number of children. The provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) apply to the school, and they 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. The school currently has two classes in each of YR, Y1 and Y2. If the variation is approved, then in September the school will be able to have one class of 30 in YR, and two classes in both Y1 (35 pupils) and Y2 (47 pupils). I note here that the number of key stage 1 classes could be further reduced from four to three, without mixing key stages and without breaching the infant class size regulations, if Y1 and Y2 were grouped vertically. In any case, the proposed variation would allow the school to plan with certainty for a single YR class in September 2024, and would ensure that in September 2025 there could be single classes in both YR and Y1. Furthermore, the school would also have the option to operate with only three infant classes in September 2026, subject to the PAN determined for that year also being 30.

20. If, however, the PAN for 2024 were to remain at 60, then any in year applications for YR during 2024/25 would have to be admitted until at least 60 have been admitted. The infant class size regulations apply to YR, and since any such admissions would 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 spanning the key stages. I consider that to do this during the school year would present a significant logistical and financial challenge.

21. After consideration of all the factors above, I find that the variation is justified by the circumstances and I approve it. The PAN for 2024/25 will be 30.

Determination

22. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Hertfordshire County Council for Roger de Clare First CofE School for September 2024.

23. I determine that the published admission number for admissions to reception year in September 2024 shall be 30.

Dated: 8 May 2024

Signed:

Schools adjudicator: Clive Sentance