



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2407

**Admission authority:** Essex County Council for Langenhoe Community Primary School in Abberton, Colchester

**Date of decision:** 14 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 Essex County Council for Langenhoe Community Primary School for September 2024.

I determine that the published admission number for admissions to reception year in September 2024 shall be 15.

## The referral

1. Essex County Council (the local authority) has referred a proposal for a variation to the admission arrangements (the arrangements) for September 2024 for Langenhoe Community Primary School (the school) to the adjudicator. The school is a voluntary controlled school for children aged four to eleven in Abberton near Colchester.
2. The proposed variation is that the published admission number (PAN) be reduced from 22 to 15 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 28 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. a map showing the location of the school and other relevant schools;
- d. information available on the websites of the local authority, the school and the Department for Education; and
- e. an earlier adjudicator determination relating to the school’s arrangements (VAR2361).

## The proposed variation

7. It is proposed to reduce the PAN from 22 to 15 for entry to YR in 2024/25.

8. The proposed variation has the support of the governing body. I note here that since the local authority has already determined the admission arrangements for September 2025 with a PAN of 15, my decision about this variation will have an effect on the PAN for 2024 only.

9. 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.

## Consideration of proposed variation

10. 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 and so it is particularly important that the proposed variation is properly scrutinised.

11. The major change in circumstances relied upon by the local authority is set out in the referral, which was received prior to national offer day for September 2024 admissions (16 April 2024). The referral states:

“The major change in circumstance has been an unexpected decrease in admissions to Reception Year at the school which has caused organisational and budgetary problems.

In July 2023 Essex County Council (ECC) submitted a variation request to the Adjudicator to reduce the PAN at Langenhoe Primary school with effect from September 2024. In the decision of 20 September 2023 (ref: VAR2361) the Adjudicator did not approve the proposed variation to the admission arrangements.

However in paragraph 29 of the decision the Adjudicator said that “I therefore wish to make it clear to the local authority that it would be open to it to re-apply early in 2024 for a PAN reduction for 2024, by which time it will have more information about the number of actual applications for YR places at the school for September 2024.”

Essex County Council publishes pupil number predictions each year in its 10 Year Plan for planning school places. The latest iteration of the Plan (for 2024 – 2033) published in January 2024 shows a predicted surplus of 13 places for Reception Year admissions in 2024.

The school’s PAN is 22. In October 2022 there were 11 pupils in Reception Year. In October 2023 there were 14 pupils in Reception Year. The number of first preferences for admission to Reception Year in September 2024, as at the time of writing, is 10.

The school is small and an unexpected decrease in intake numbers of this scale has a disproportionately larger impact upon its class organisation and budget than would be experienced at larger schools.

The proposed variation will allow the school to have greater certainty about intake numbers and therefore staffing levels. The reduction in PAN will give the school’s Governing Body the confidence to reduce to a four-class structure from September 2024...[and] would enable classes to be taught in groups of 30 in split year groups for KS1 and KS2. Planning classes is difficult as pupil numbers fluctuate over time

and the school may need to consider organising with three year groups in one class, across key stages, to ensure class numbers at KS1 remain below 30. This would be difficult in terms of meeting pupils' needs. Curriculum planning would also need to change considerably to accommodate this. Reducing the PAN to 15 would enable confident planning for four classes, removing the risk of organising classes across key stages.

Governors are concerned that if the PAN is not reduced in 2024, ...the cost to the school would equal the cost of maintaining an additional class for the 2024/25 academic year.

The school is forecasting a deficit budget and whilst the reduction in the number of classes/teaching fte will not resolve this issue entirely, it will help to a huge extent.”

12. 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 22 to 15 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 show the numbers now allocated to those schools following national offer day. This shown in table 1.

**Table 1: numbers of school places in the planning area and numbers allocated to YR for September 2024**

	<b>Langenhoe Community Primary School</b>	<b>Fingringhoe CE Primary School</b>	<b>St Lawrence CE Primary School</b>	<b>TOTALS</b>
<b>PAN for 2024/25 (prior to proposed variation)</b>	22	15	30	67
<b>PAN for 2024/25 (after proposed variation)</b>	15	15	30	60
<b>Allocated places for September 2024</b>	14	12	30	56

14. The above data shows that there are a small number of places currently available for entry to YR in September 2024, and so it is likely that there will still be vacancies for those seeking a place in YR outside of the normal round of admissions.

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

“Mersea Island Primary School, which is the most adjacent school outside of the planning area (for anyone moving into the southern part of the planning area) currently has 16 vacant places for the 2024/25 Reception intake.

For completeness, I also had a look at the data for schools to the north of the planning area. Currently, Cherry Tree Primary has 3 vacant places for Reception 2024/25 and Monkwick Infant also has 3 vacant places.

From the more southerly part of the planning area, Mersea Island Primary will, quite conceivably, be nearer to the home or more or less equidistant to Langenhoe Primary for a child moving in.”

16. After considering the data together with the above points, I agree that any children moving into the area who require a YR place in 2024/25 will be able to access a suitable school.

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, 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 schoolteacher, except in specific exceptional circumstances.

18. The school currently operates with children organised into five classes. If the variation is approved, it will be able to move to a long-term four class structure in September 2024, with children taught in mixed age classes of up to 30 in both KS2 and KS1. This would give the school an immediate financial benefit. It would also simplify the organisation of the school’s curriculum by removing the possibility of having to mix classes across key stages. This might be necessary at some future point to comply with the infant class size regulations, if the PAN were to remain at 22 and children were admitted up to that number.

19. 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 15.

## Determination

20. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Essex County Council for Langenhoe Community Primary School for September 2024.

21. I determine that the published admission number for admissions to reception year in September 2024 shall be 15.

Dated: 14 May 2024

Signed:

Schools adjudicator: Clive Sentance