



Office of
the Schools
Adjudicator

Determination

Case references: VAR2426

Admission authority: Oxfordshire County Council for Dunmore Primary School in Abingdon

Date of decision: 27 June 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 Oxfordshire County Council for Dunmore Primary School for September 2024.

I determine that the published admission number for admissions to reception year in 2024/25 shall be 30.

The referral

1. Oxfordshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements (the arrangements) for September 2024 for Dunmore Primary School (the school) to the adjudicator. The school is a community school for children aged two to eleven in Abingdon, Oxfordshire, and the local authority is the admission authority for the school.
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 body 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 22 May 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.

The proposed variation

7. It is proposed to reduce the PAN from 60 to 30 for entry to YR in 2024/25. This proposed variation has the support of the governing body.
8. 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

9. 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. I note here that the PAN for 2025/26 has already been determined to be 60, and so my decision will have an effect on the PAN for 2024 only.

10. The major change in circumstances relied upon by the local authority is set out in the referral, which states:

“The PAN (Published Admission Number) of 60 no longer reflects the demand for places at Dunmore Primary School. Demand has fallen dramatically with only 30 children due to be on roll in Reception in September 2024. If the PAN is reduced for 2024/25 there would be an opportunity to allow the numbers on roll to remain at 30, or if more places are offered prior to agreement to lowering the PAN, through not filling places that become available during the academic year 2024/25. There are significant numbers of spare places in the Abingdon area for September 2024.

Dunmore Primary School will need to operate with an additional teacher to ensure that anyone applying for one of the 30 spare places can be accommodated. This will be a significant financial burden for the school.”

A letter from the school adds:

“The financial impact of not approving the variation would be the equivalent of one Full Time Teacher. We have currently budgeted for only 16.5 FTE teachers, which takes our budget from a deficit into a balanced budget by the end of three years. The Local Authority have been monitoring our deficit budget this year and will not allow us to remain in deficit longer than another two years. This temporary change of PAN would enable us to fulfil this obligation to the Local Authority.”

11. 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 taking into account all relevant circumstances.

12. 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. Whilst the school is based in the planning area of Abingdon North, the local authority is of the view that the proposed variation could also impact on the planning areas of Abingdon South and Abingdon West. I have therefore considered the data that it has provided for those three areas combined, which is for a total of 14 schools. This data shows the numbers now allocated to the schools following national offer day (16 April 2024) and is set out in table 1 below.

Table 1: School places in the combined planning areas, and allocations to YR for September 2024

	2022	2023	2024
Sum of PANs of schools in the planning areas	501	501	501
Number of children admitted or projected to be offered a place	420	419	379 (allocated as of 17 June 2024)
Vacant places	81	82	122
Vacant places as a percentage	16%	16%	24%
Sum of PANs if variation approved			471
Vacant places if variation approved			92
Vacant places as a percentage if variation approved			18%

13. From these figures I am satisfied that if the PAN for 2024 were to be reduced to 30, there would be sufficient places left in the combined planning areas for any children who might be seeking a YR place for 2024/25.

14. I now turn to the number of children at the school and the reasons given by the school in support of the variation request. I note at this point that the allocation numbers for September 2024 (33 allocated places as of 17 June 2024) are such that there has been no frustration of parental preference.

15. The request for the variation refers to the local authority's wish to align the school's 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.

16. At the point that the variation request was submitted, 30 children had been allocated a place at the school for entry to YR in September 2024. There had been 31 offers on national offer day with one offer subsequently declined. However, the latest figure shows that the number of places offered has subsequently risen to 33, with no children on the waiting list. I note here that if the proposed variation is approved, and if there are still 33

children joining in YR in September, the school may find itself in a position where it may not be able to immediately realise the benefit that is stated in the referral. As things stand, if it wishes to avoid mixing classes across YR and Key Stage 1, it will need to operate two YR classes to avoid breaching the infant class size regulations. However, when I put this point to the local authority, I was told that:

“If the proposal to reduce the PAN to 30 for 2024/25 is accepted, we will be able avoid [sic] offering further places and through normal movement the number on roll can then be allowed to fall. There are currently no children on the waiting list and there are spare places throughout Abingdon and so we do not need to retain the spare places still available at Dunmore.”

17. I therefore accept that the proposed variation would provide a degree of stability for the school throughout 2024/25, regardless of its current plans for the teaching of the 33 YR children currently allocated. If the PAN is not reduced to 30, then any future applications will have to be admitted, whereas if the PAN is reduced then this will not be the case. Furthermore, if numbers fall to 30 or below, the school will then be able to accommodate all YR children within a single class without breaching the infant class size regulations.

18. After consideration of the factors above, and taking into account the relevant circumstances, I find that the variation is justified, and I approve it. The PAN for 2024/25 will be 30.

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 Oxfordshire County Council for Dunmore Primary School for September 2024.

I determine that the published admission number for admissions to reception year in 2024/25 shall be 30.

Dated: 27 June 2024

Signed:

Schools adjudicator: Clive Sentence