



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2425

Admission authority: The Governing Board of Queen Emma Primary School, Cambridge

Date of decision: 23 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 the Governing Board for Queen Emma Primary School for September 2024.

I determine that the published admission number shall be 30.

The referral

1. The governing board for Queen Emma Primary School (the school) has referred a proposal for a variation to the admission arrangements for September 2024 (the arrangements) for Queen Emma Primary School (the school) to the adjudicator. The school is a foundation school for children aged two to eleven in Cambridge for which Cambridgeshire County Council is the local authority (LA).
2. The proposed variation is that the published admission number (PAN) for September 2024 be reduced from 60 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 governing board has provided me with confirmation that the appropriate bodies have been notified. 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.
6. The information I have considered in reaching my decision includes:
 - a. the referral from the governing board dated 21 May 2024 and supporting documents;
 - b. the determined arrangements for 2024 and the proposed variation to those arrangements;
 - c. comments on the proposed variation from the local authority;
 - d. Cambridgeshire Education Organisation Plan 2023-24;
 - e. a map showing the location of the school and other relevant schools; and
 - f. information available on the websites of the local authority, the school and the Department for Education.

The proposed variation

7. The proposed variation is that the published admission number (PAN) for the reception year (YR) for 2024 be reduced from 60 to 30.
8. The school is a foundation primary school in Cambridge that is in a federation with another foundation primary school, Queen Edith Primary School, to form The Queen’s Federation. Queen Edith school is located 0.4 miles from the school. Both schools were rated as ‘Good’ by Ofsted when inspected in 2023.
9. The school is situated in the south of the city of Cambridge, between Cherry Hinton and Trumpington, with housing surrounding it on three sides. There are six primary schools within the LA planning area in which the school is located (Cambridge City South of River Cam). The planning areas for primary schools are set out in Appendix C of the

Cambridgeshire Education Organisation Plan 2023-24. A planning area is a construct used by local authorities for school place planning purposes to enable them to fulfil their statutory duty to ensure a sufficiency of school places.

10. The governing board, as the admission authority for the school, determined the arrangements for the September 2024 year of entry on 16 October 2023. The PAN for YR was set at 60. The governing board states in its variation request that:

“Since the admission arrangements were determined, the school has seen a falling roll, particularly affecting our Reception intakes [...sic]. This year, we have had acceptances for 28 children being admitted in to Reception 2024. In addition to this, 2 children have been offered places but have not yet accepted (late applications). A further 2 places have been offered but we know from these parents that they will not be accepting these offers. This means that our intake for Reception 2024 will be 30. This would be a PAN reduced from 60 to 30 [...sic].

In addition, since the admission arrangements were determined, Queen Emma has entered a significant deficit position and has a recovery plan pending this decision.”

11. The governing board is concerned about the financial consequences of having to admit just over 30 children in YR for the 2024 – 2025 year of admission. In the variation request they state that:

“Due to low numbers in some other year groups, the school has received significantly reduced funding.

Due to high levels of SEND at Queen Emma, many children have not received the funding to which they are entitled in a timely manner. This is also compounded by the fact that the SEND funding that the school receives does not cover the cost of provision for these children.

If we do not move to a variation, the foreseen consequence will be that our budget for this financial year will not balance and will plunge us further into debt, jeopardizing the future of the school.” (Bold as per the variation request)

12. As a primary school, the school is one affected by the provisions in 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 therefore apply to YR.

It appears at the present time that the school is likely to have 30 children for YR for September 2024. This would normally be organised as a single class with one qualified teacher.

If the PAN remains at 60 then they will be required to admit any children up to that number during the 2024 -2025 school year. The provisions of the Infant Class Size Regulations would then require a second qualified teacher to be employed, even if there were only a few more than 30 children. As school funding is based on a per pupil funding allocation, this would mean that the school would not receive sufficient funding to cover the cost of the second qualified teacher. This would have a significant detrimental impact on the school's budget.

13. I note that the determined PAN for 2025 is 60 and that the governing board is only seeking a variation to the 2024 arrangements.

14. 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

15. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. 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.

16. 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. As described above, there are six schools admitting children to YR in the school's planning area. Table 1 below summarises the number of children admitted to these schools in recent years and the number of offers made for 2024.

17. **Table 1: numbers of school places and numbers of children admitted to, or offered places in, YR in schools in the planning area. Data from the 2023 census.**

	2021	2022	2023	2024
Sum of PANs of schools in the planning area for YR	270	270	270	270
Number of children admitted or offered a place	260	263	239	207
Vacant places	10	7	31	63

Vacant places as a percentage	3.7	2.5	11.5	23.3
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18. The DfE document, “Basic need allocations 2025-26: Explanatory note on methodology”, refers to the need for two per cent surplus capacity in the number of school places “to provide an operating margin for local authorities. This helps to support parental choice, pupil population movement, and general manageability of the system”. Table 1 indicates that, if the reduction in the PAN was not approved, the percentage of surplus places would significantly exceed that recommended by the DfE.

19. The LA document ‘Cambridgeshire Education Organisation Plan 2023-24 states that:

“After a period of significant increases in the birth rate, the most recent demographic data suggests that it has begun to level off and even reduce slightly. Some schools in the city are now experiencing falling rolls, however this is balanced by the impact of the high levels of new housing developments in and around the city.”

It goes on to say:

“There is currently some surplus capacity in schools in the Cherry Hinton area, however this is expected to reduce as the development of 1,200 homes on Land North of Cherry Hinton progresses.”

20. There seems to be clear evidence, therefore, that the current drop in numbers at the school is consistent with the data within the LA document and is forecast to be temporary. The proposed reduction in PAN would address both the school’s current budgetary difficulty and reduce the surplus of places forecast for the planning area as demonstrated in Table 1.

21. In their variation request, the governing board, who are the admission authority for both schools within the Queen’s Federation, propose:

“That we temporarily introduce a variation for the Reception 2024 intake at Queen Emma, reflecting a limit of 30 children into this year group for the academic year 2024-2025.

We propose that, since we are a Federation of two schools within easy walking distance of each other, we manage any later or in-year admissions to Reception by diverting these to our other school [...sic], which is not showing as full for Reception in September 2024.”

22. While the governing board seem unclear as to the correct procedure here, the availability of places at another primary school within close proximity is an important consideration in the determination of any PAN reduction request.

23. Table 2 below sets out the number of places offered for 2024 to schools within the planning area and the number of places available if the variation is approved. These figures are based on the information provided by the governing board and the LA.

School	PAN	Number of Offers for 2024	Number of Places Available
Colville	30	21	9
Morley Memorial	60	48	12
Queen Edith	60	52	8
Queen Emma	30	30	0
Ridgefield	30	30	0
Spinney	30	23	7
Total	240	204	36

24. Table 2 shows that there would be places available not only at the other school in the Queen's Federation but also at three other schools within the planning area. Queen Edith Primary School is only 0.4 miles from the school and Colville Primary School is only 0.9 miles from the school (data provided by the LA). All of the schools in the planning area are judged as Good by Ofsted with the exception of The Spinney Primary School which is judged as Requires Improvement. I note that the school and Queen Edith Primary School share the same catchment area.

25. From this data it seems that there is minimal risk of parental frustration in gaining a place within the planning area and indeed at a 'Good' school within the planning area, if the variation is approved. It is also the case that all offers of places in the normal admissions round have been made and accepted, therefore parents who wish their children to go to the school have all been offered places. The reduction in PAN will only affect in-year applicants.

26. The addition of further pupils to undersubscribed schools within the planning area during the course of the 2024-2025 year should only serve to improve the budgetary positions of those schools, noting the potential for the admission of children with SEND for whom additional funding may lag behind admission.

27. The reduction of the PAN to 30 would enable the school to have certainty that they only need employ one qualified teacher for YR for the academic year 2024/25. This will

address the financial concerns raised by the governing board above in their variation request.

28. As noted above, the variation request is for the 2024 arrangements only. The data supplied by the LA and that stated within the Cambridgeshire Education Strategic Plan 2023-24 indicate that the drop in applications for the 2024 year of entry is temporary and that numbers are forecast to increase in the future due to new housing developments in the area.

29. The arrangements for 2025 have been determined and so the proposed variation will have no effect on those arrangements.

30. I find that the variation is justified by the circumstances and approve the proposed variation.

Determination

31. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the Governing Board for Queen Emma Primary School for September 2024.

32. I determine that the published admission number shall be 30.

Dated: 23/05/2024

Signed:

Schools adjudicator: Mrs Tess Gale