



Office of
the Schools
Adjudicator

Determination

Case references: VAR2418-VAR2419

Admission authority: Wokingham Borough Council for The Colleton Primary School in Twyford, Reading

Date of decision: 3 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 Wokingham Borough Council for The Colleton Primary School for September 2024.

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

I also approve the proposed variation to the admission arrangements determined by Wokingham Borough Council for The Colleton Primary School for September 2025.

I determine that the published admission number for admissions to reception year in September 2025 shall be 30.

The referral

1. Wokingham Borough Council (the local authority) has referred a proposal for variations to the admission arrangements (the arrangements) for September 2024 and for September 2025 for The Colleton Primary School (TCPS) (the school) to the adjudicator. The school is a community school for children aged four to eleven in Twyford, Reading, and the local authority is the admission authority for the school.
2. The proposed variations are:
 - a. that the published admission number (PAN) be reduced from 45 to 30 for admissions to reception year (YR) in 2024/25; and
 - b. that the PAN for admissions to YR in 2025/26 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 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 variations. I find that the appropriate procedures were followed, and I am satisfied that the proposed variations are 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 8 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. the determined arrangements for 2025 and the proposed variation to those arrangements;
- d. a map showing the location of the school and other relevant schools;
- e. an earlier adjudicator determination relating to the school’s arrangements (VAR2387); and
- f. information available on the websites of the local authority, the school and the Department for Education.

The proposed variations

7. It is proposed to reduce the PAN from 45 to 30 for entry to YR in 2024/25, and from 45 to 30 for entry to YR in 2025/26.
8. The proposed variations have the support of the governing board.
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 variations

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 variations are properly scrutinised. I note here that the proposed variation for 2025/26 has been submitted less than four months after a PAN of 45 for 2025/26 was determined by the local authority on 31 January 2024.
11. The major change in circumstances relied upon by the local authority is set out in the referral, which states:

“The major change in circumstances is that the local authority knows that local (North Area) roll numbers are expected to be lower than projected in 2023 in September 2024, based on the 184 current (16/04/24) allocations for North Area September 2024 Reception places. The school has been allocated 27 pupils through the 2024/25 admission round, well below the current PAN.

The local authority has been subject to very high rates of immigration (associated with national policy changes) from 2021 to mid-2023 (evidenced in 2021 to 2022 and 2022 to 2023 cohort growth analysis). This phenomenon made roll projections less reliable, as it was not clear if this was a long or short term factor. This increased immigration offset some or all of the ongoing fall in Reception admissions driven by the longer-term trend of falling birth numbers in the borough. The fact that the actual numbers to be admitted (based on 2024 offers) are below projected rolls would be consistent with future rolls also falling below current projection levels and indicates that here, at least, the low birth rates are the most important factor in determining admissions numbers. Moreover, school census roll data for the period May 2023 to January 2024 indicates that migration into the borough has returned to rates comparable to earlier periods.

Although the current allocation is less than 30, holding a PAN of 45 creates the risk that the school will be required to take in excess of 30 Reception age children. This

would require them to employ an additional teacher to comply with infant class size laws, but without the admitted children generating sufficient funding to cover the additional costs. This would have an adverse impact on the school's ability to maintain services, including services to children with additional needs. This would be prejudicial to the delivery of efficient education.

The same issues are reasonably expected to apply in September 2025 too."

12. I note at this point that in September 2023 the projection for YR in 2024 was for 209 children needing places at schools within the planning area, significantly more than the 184 YR places now allocated. I therefore consider that the projection made at the same time of 218 places being needed for YR in 2025 is also likely to be significantly higher than the actual number of places needed, although I have not been provided with a revised projection.

13. 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 45 to 30 for 2024/25, and similarly for 2025/26. 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.

14. 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 seven 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 (16 April 2024). This shown in table 1.

Table 1: School places in the planning area, allocations to YR for September 2024, and projections for 2025

	2022	2023	2024	2025
Sum of PANs of schools in the planning area	245	245	245	245
Number of children admitted or projected to be offered a place	217	210 (allocated as of 16 June 2023)	184 (allocated as of 16 May 2024)	218* (projected)
Vacant places	28	35	61	27

	2022	2023	2024	2025
Vacant places as a percentage	11.4%	14.2%	24.9%	11.0%
Sum of PANs if variations approved			230	230
Vacant places if 2024 variation approved			46	
Vacant places as a percentage if 2024 variation approved			20.0%	
Vacant places if 2025 variation approved				12
Vacant places as a percentage if 2025 variation approved				5.2%

** see paragraph 12 for commentary on this figure*

15. 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 planning area for any children who might be seeking a YR place for 2024/25. I am also satisfied that there will be sufficient places in the planning area for entry to YR for 2025/26 if the PAN for that year is reduced to 30. Although I have not been provided with a revised projection, it is apparent there would be sufficient places based upon the figure I have been given. I anticipate, based upon what the local authority has told me, that the actual number of places needed will be much lower than this.

16. 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 are such that there has been no frustration of parental preference.

17. The request for the variations 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.

18. The school has provided me with information regarding the numbers of pupils it expects to have in September 2024 and how they will be organised. This is shown in table 2.

Table 2: Organisation of classes for September 2024

Year group	Number of children	Organisation
YR	27 (figure supplied by the local authority)	One class
Y1	24	Two Y1/Y2 classes
Y2	34	Two Y1/Y2 classes
Y3	34	Three Y3/Y4 classes
Y4	43	Three Y3/Y4 classes
Y5	52	Three Y5/Y6 classes
Y6	44	Three Y5/Y6 classes

19. From this data, I note if the PAN for YR in 2024/25 were to be reduced to 30, the school would be able to plan its staffing and organisation on the basis that it will have no more than that number of children in YR. However, if the PAN for 2024 remains at 60, then any in-year applications for YR will have to be admitted. There is therefore a possibility that if further children are admitted in year, the number of YR children might reach a number at which, in order to avoid a breach of the infant class size regulations, the school will have to have to either create an extra class (and employ additional staff) or reorganise their infant children. This would present a logistical and financial challenge once the academic year is underway.

20. A similar argument can be made in respect of the organisation of classes for September 2025. A reduction in the PAN for YR in 2025/26 will enable the school to plan for no more than 30 YR children. I also consider that, when taking into account the evidence supplied by the local authority in the referral, a reduction in the PAN to 30 will be unlikely to result in any frustration of parental preference.

21. After consideration of all the factors above, I find that both variations are justified by the change in circumstances, and I approve them. The PAN for 2024/25 will be 30 and the PAN for 2025/26 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 Wokingham Borough Council for The Colleton Primary School for September 2024.

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

I also approve the proposed variation to the admission arrangements determined by Wokingham Borough Council for The Colleton Primary School for September 2025.

I determine that the published admission number for admissions to reception year in September 2025 shall be 30.

Dated: 3 June 2024

Signed:

Schools adjudicator: Clive Sentance