



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2430

Admission authority: Hertfordshire County Council for Malvern Way Infant and Nursery School in Rickmansworth, Hertfordshire

Date of decision: 15 July 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 Malvern Way Infant and Nursery School for September 2025.

I determine that the published admission number for admissions to reception year in September 2025 shall be 60.

The referral

1. Hertfordshire County Council (the local authority) has referred a proposal for a variation to the admission arrangements (the arrangements) for September 2025 for Malvern Way Infant and Nursery School (the school) to the adjudicator. The school is a community school for children aged three to seven in Rickmansworth, Hertfordshire, 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 90 to 60 for admissions to reception year (YR) in 2025/26.

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. I have been provided with confirmation that the appropriate bodies have been notified and that the proposed variation has the support of the school’s governing body. 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 29 May 2024, supporting documents and further information provided at my request;
- b. the determined arrangements for 2025 and the proposed variation to those arrangements;
- c. a map showing the location of the school and other relevant schools; and
- 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 90 to 60 for entry to YR in 2025/26. This proposed variation has the support of the school’s 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 arrangements for September 2026 have not yet been determined, and so if the proposed variation for 2025/26 were to be approved, the PAN for 2026/27 could be set at 60 by the local authority without objection save from the governing body of the school.

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

“Malvern Way Infant and Nursery School sits in the Croxley Green primary planning area (PPA) with 2 other primary schools offering a total of 180 Reception places. The school has been undersubscribed for a number of years with local demand for school places continuing to fall.

Reception allocations for 2024/25 are currently below the projected forecast numbers for the area. The summer 2023 forecast indicated demand for 142 Reception places in September 2024 against 180 places available. Whilst 153 first preference applications were received for schools in the PPA, only 141 places were offered on national allocation day, leaving a surplus of 39 places.

The number of pre-school aged children living in the area from September 2023/24 is lower than in previous years and, from 2024/25, the number of pre-school children steadily declines.

GP registration data of 0–4-year-olds living in Croxley Green PPA (October 2023)

2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
81	56	73	65	57	54

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 Croxley Green in maintaining existing intake levels within the requirements of infant class size legislation.

Initial budget setting has projected a deficit of circa £86,000 increasing to £315,000 for the academic year 2026/27 if the school maintains current staffing levels. Reducing the PAN to 60 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 for the future.”

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 90 to 60 for 2025/26 and beyond. 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. The school is one of three schools admitting children to YR in the Croxley Green Primary Planning Area, and the local authority has provided me with data to show the numbers of pupils admitted to these schools over time, together with forecasts for 2025/26 and 2026/27.

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

	2022/23	2023/24	2024/25 (latest allocation)	2025/26 (forecast)	2026/27 (forecast)
Malvern Way Infant and Nursery School	82	77	61	Forecast data has only been provided at the total level rather than at school level	
Harvey Road Primary School	30	30	30		
Yorke Mead Primary School	46	50	45		
TOTAL	158	157	136	134	140
Sum of PANs for YR	180	180	180	180	180

Vacant places	22	23	44	46	40
if proposed variation is approved and PAN is also set at 60 for 2026/27					
Sum of PANs for YR				150	150
Vacant places				16	10
Vacant places as a percentage				11%	7%

13. From the above data I am satisfied that a PAN of 60 for 2025/26 will still leave sufficient places in the planning area for those seeking a place in YR. If the proposed variation is agreed, it will be possible for the local authority to determine a PAN of 60 for the following year without consultation. I am also satisfied that a PAN of 60 for 2026 would not lead to a shortage of places in 2026/27.

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 here that whilst I have not been provided with a forecast at school level, the trend of admissions, GP registration data, and other data in table 1 shows no clear evidence that a PAN of 60 will lead to any significant frustration of parental preference for the school in either 2025 or 2026.

15. The request for the variation refers to the governing body'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.

16. The school has provided me with modelling to show that if it can be certain that no more than 60 children are admitted to YR in 2025, it will be able to plan ahead for that academic year with more certainty, and in particular for staffing two YR classes. If the proposed variation is not approved, then even if there were initially a sufficiently low number of YR children to allow only two YR classes in September 2025, any in-year admissions would still have to be admitted until the number of children admitted to YR was 90. This could necessitate a reorganisation of classes midway through the year to avoid breaching the infant class size regulations and would present a significant logistical and financial challenge.

17. 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 2025/26 will be 60.

Determination

18. 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 Malvern Way Infant and Nursery School for September 2025.

19. I determine that the published admission number for admissions to reception year in September 2025 shall be 60.

Dated: 15 July 2024

Signed:

Schools adjudicator: Clive Sentance