



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: VAR2445**

**Admission authority: Kent County Council for St Crispin's Community Primary Infant School, Westgate-on-Sea**

**Date of decision: 18/07/2024**

## 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 Kent County Council for St Crispin's Community Primary Infant School for September 2025.

I determine that the published admission number shall be reduced from 90 to 60 for September 2025.

## The referral

1. Kent County Council (the local authority) has referred a proposal for a variation to the admission arrangements for September 2025 (the arrangements) for St Crispin's Community Primary Infant School (the school) to the adjudicator. The school is a community school for children aged 4 to 7 in Westgate-on-Sea, Kent.
2. The proposed variation is to reduce the published admission number (PAN) from 90 to 60.

## 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 26 June 2024 and supporting documents;
  - b. the determined arrangements for 2025 and the proposed variation to those arrangements;
  - c. comments on the proposed variation and information provided from the school;
  - d. information obtained from websites of the local authority and the Department for Education (DfE); and
  - e. a map showing the location of the school and other relevant schools.

## The proposed variation

7. The proposed variation is to reduce the PAN from 90 to 60 from September 2025.
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. I will consider below whether the variation requested is justified by the change in 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 variations are properly scrutinised.

10. The arrangements, which include the PAN for the school, were determined by the local authority on 6 February 2024. The application gives the reason for this application as the number on roll at the school falling since September 2022 with 60 of the 90 places available being taken up in September 2024. The application refers to birth rates in the area falling since 2017 and a slower rate of house building than expected. It seems to me that it would have been possible to identify the potential need to reduce the PAN at this school and to consult on a new figure in time for it to have been included in the determination of the 2025 arrangements in February 2024. However, this did not happen and since then allocations have been made for September 2024 of 60 places at the school requiring it to review how classes will be organised.

11. The school told me how it is organised for the current school year and how it plans to organise from September 2024 and September 2025.

<b>Current NOR 239</b>		<b>Sept 2024</b>		<b>Sept 2025 with PAN of 60</b>	
YR 81	3 classes of 27 each	YR 60	2 classes of 30	YR 60	2 classes of 30
Y1 69	3 classes, 22, 22, 25	Y1 81	2 classes of 30, and 21 children in a Y1/2 class	Y1 60	2 classes of 30
Y2 89	3 classes, 30, 30, 29	Y2 69	2 classes of 30 and 9 children in a Y1/2 class	Y2 81	3 classes of 27

12. The school was concerned that if the PAN for September 2025 remained at 90, it was possible that there could be slightly more than 60 children offered places. If this happened, the school would be required to take measures to ensure it complied with infant class size legislation limiting a class to a maximum of 30 pupils with a single teacher. The school said it would do this by establishing an additional class for a mixture of Year R and Year 1 children. If this happened, the number of additional children would not be sufficient to fully fund the extra class leading to an overspend in the budget. Reducing the PAN for September 2025 to 60 would eliminate this risk.

13. The local authority provided me with data showing that in September 2025 there would be an adequate number of school places available for admission into Year R should I agree the proposed reduction in PAN.

14. In this context, the proposed reduction in PAN from 90 to 60 is a sensible step to take which I have no hesitation in approving. However, I feel the need to point out that the PAN for 2024 is not affected by this decision and remains at 90 as published in the local authority's arrangements for 2024. I can find no earlier application to the Schools Adjudicator for that number to be reduced. Therefore, any child applying for a place in Year R during the school year starting in September 2024 would have to be admitted because as set out in section 86 of the Act, the PAN applies throughout the normal year of admission. The level of risk this presents to the planned organisation of the school is a matter for the local authority and governing board to consider.

## Determination

15. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Kent County Council for St Crispin's Community Primary Infant School for September 2025.

16. I determine that the published admission number shall be reduced from 90 to 60 for September 2025.

Dated: 18/07/2024

Signed:

Schools adjudicator: Phil Whiffing