



Office of
the Schools
Adjudicator

Determination

Case references: VAR2452

Admission authority: Worcestershire County Council for Grove Primary School in Malvern

Date of decision: 23 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 Worcestershire County Council for Grove Primary School for September 2024.

I determine that the published admission number for admissions to reception year in 2024/25 shall be 15.

The referral

1. Worcestershire County Council (the local authority) has referred a proposal for a variation to the admission arrangements (the arrangements) for September 2024 for Grove Primary School (the school) to the adjudicator. The school is a community school for children aged two to eleven in Malvern, Worcestershire, and the local authority is the admission authority for the school.
2. The proposed variation is that that the published admission number (PAN) be reduced from 30 to 15 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 12 July 2024 and supporting documents;
 - b. the determined arrangements for 2024 and the proposed variation to those arrangements;
 - c. the determined arrangements for 2025;
 - d. a map showing the location of the school and other relevant schools;
 - e. 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 30 to 15 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 15.

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

“Grove Primary School is subject to a Directed Academy Order (DfE direction) following an Inadequate Ofsted judgement in March 2022. The Governing Body, LA and DfE have worked with the approved Multi-Academy Trust, Mercian Education Trust to transfer this school as is required by the Secretary of State for Education. The reduction in PAN is a condition of transfer to the Trust.”

They go on to say:

“The Local Authority, supported by the Governing Body of Grove Primary School, consulted to reduce the PAN of the school from 30 to 15 for 2025 to allow the school to teach in line with the infant class size legislation and to assist with the school’s financial viability...

The Council has reviewed the current and expected future demand for places at the school and agrees that the reduction in the PAN from 30 to 15 will not cause a concern for basic need or sufficiency of primary provision in Malvern. The reduced PAN is in line with past and future demand for places, following which the school will continue to be able to support all children living within the catchment to attend their local school should they choose to do so.

Malvern has experienced falling primary pupil numbers since 2021....the forecast for the school are numbers on roll averaging 15 children per year group for the next four years.

Following public consultation, the Cabinet Member with Responsibility for Education, in February 2024, approved a PAN reduction from 30 to 15, effective for admissions from September 2025 onward.

The school has also had approval to change its age range from 2-11 years to 3-11 years from September 2024 and move all the primary school functions onto the Junior site. This will enable the school to operate a reduced PAN and an Early Years Foundation Stage Unit (EYFSU) for reception age children and children the year before they start school from the main school Junior site.

The Local Authority is proposing to support this proposal with capital investment to adapt the Junior and Infant buildings to ensure they are fit for purpose for the school and Trust’s needs.”

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 30 to 15 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.

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	481	481	468
Number of children admitted or projected to be offered a place	365	384	336 (allocated as of 16 April 2024)
Vacant places	116	97	132
Vacant places as a percentage	24%	20%	28%
Sum of PANs if variation approved	Not applicable	Not applicable	453
Vacant places if variation approved	Not applicable	Not applicable	117
Vacant places as a percentage if variation approved	Not applicable	Not applicable	26%

13. From these figures I am satisfied that if the PAN for 2024 were to be reduced to 15, there would be sufficient places left in the planning area 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 LA in support of the variation request. I note at this point that the allocation numbers for September 2024 (11 allocated places as of 12 July 2024) are such that there has been no frustration of parental preference. I note that the school currently operates over two sites and has a net capacity (the number of children that a school can accommodate based on a

DfE national formula calculation) of 390 but only has 152 children on roll (figures taken from the government website Get Information About Schools).

15. The LA has said in its supporting documents:

“The change proposed will support the long-term financial planning of the school. The reasons for this are:

- There are surplus primary school places across Malvern town until at least 2029. The Local Authority has been reviewing the longer-term demand for places against expected housing growth to determine what options are appropriate to reduce the surplus places in the short and medium term whilst monitoring the progress of housing developments planned.
- The Grove Primary school currently has a PAN of 30 places per year group, but due to pupil numbers across Malvern being low and parental preferences, has some year groups with numbers as low as 12.
- The Local Authority invited all Malvern Schools to consider options to reduce the surplus across the area and ensure all schools remain sustainable longer term.
- The Grove currently operates over an Infant and Junior site, and the reduction in PAN will enable the statutory school age provision to operate from one site.

The Council has reviewed the current and expected future demand for places at the school and agrees that the reduction in the PAN from 30 to 15 will not cause a concern for basic need or sufficiency of primary provision in Malvern.”

16. The request for the variation refers to the requirement for the school to restructure and locate all of the statutory school age provision on the junior school site. The proposed reduction in the PAN combined with the change in age range that has already been agreed by the LA would facilitate the creation of an Early Years Foundation Stage Unit (EYFSU) on this site. 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. It is therefore essential for the school to be able to limit the number of children admitted to reception and therefore into the EYFSU in order to have control of the staffing structure and consequent financial implications. If more than 15 children were admitted into YR for 2024/25, this could either require additional staff to be employed or could cause the displacement of non-statutory school aged children from the EYFSU, which would be detrimental to their education and development.

17. I therefore accept that the proposed variation would enable the school to meet the requirements of the DfE Directed Academy Order to reduce its PAN. This will support the

move of all the statutory school age provision onto a single site with an EYFSU and provide a stable structure for staffing and financial planning. The granting of the variation request will facilitate the school in joining the designated multi-academy trust.

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 15.

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 Worcestershire County Council for Grove Primary School for September 2024.

I determine that the published admission number for admissions to reception year in 2024/25 shall be 15.

Dated: 23 July 2024

Signed:

Schools adjudicator: Mrs Tess Gale