



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2409

**Admission authority:** Gloucestershire County Council for Lakeside Primary School, Cheltenham

**Date of decision:** 6 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 Gloucestershire County Council for Lakeside Primary 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. Gloucestershire County Council (the local authority) has referred a proposal for a variation to the admission arrangements (the arrangements) for September 2025 for Lakeside Primary School (the school) to the adjudicator. The school is a community school for children aged 4 to 11 in Cheltenham.
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.

## 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 which was received on 11 April 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.
8. The proposed variation has 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 variation

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 variation is properly scrutinised.

11. The referral states:

“The planning forecasts are showing a clear pattern of there being more school places within the area than there are school-age children. Alongside this, Lakeside Primary, despite having a PAN of 90 (three-form entry), has had under 60 first-preferences consistently over recent years. Please see the below table:

2024 57 1<sup>st</sup> preferences

2023 59 1<sup>st</sup> preferences

2022 50 1<sup>st</sup> preferences

2021 50 1<sup>st</sup> preferences

At present (2023-24), Reception, Year 1, Year 2, Year 4, and Year 5 all have less than 90 children on-roll. Reception, Year 1 and Year 2 all have 74 children or less on-roll. It is financially unsustainable for the school to continue to operate as a three-form entry school with such low numbers coming in to Reception year-on-year. It is highly likely that the Reception cohort joining in September 2024 will have less than 70 children in it – this alone will see the school tip back into a second deficit budget in recent years. If PAN doesn't change for September 2025, the financial implications will be extremely detrimental. To manage the recent deficit budget the school was carrying, significant staff re-structure and redundancy has occurred. There is no further capacity for more staffing cuts or restructures to save money.”

12. I have accordingly given careful consideration to the 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. I have also considered the demand for places at the school, the reasons given for the variation, the potential effect on parental preference and whether the variation is justified in these circumstances.

13. 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 say:

“The forecasts show 67 Reception pupils for September 2025; then 56 pupils in 2026 and 62 pupils in 2027.

It is likely that 7 pupils would not be offered a place in 2025 and 2 pupils would not be offered a place in 2027 if the PAN is reduced.

In recent years the 60<sup>th</sup> allocated pupil had a travel distance between 0.8 and 1.6 miles. The displaced pupils would be forecast to be admitted to Benhall Infant at a distance of 0.4 miles, or Greatfield Park Primary at a distance of 0.8 miles from Lakeside Primary; so there would be no forecast increase in the distance they would need to travel.”

14. The number of pupils joining YR has declined from 90 in 2020, 63 in 2021, 57 in 2022 and 75 in 2023. There were 57 first preferences for the school for 2024 entry, and less than 60 first preferences for the school over the last three years. The local authority has confirmed that 65 places have been allocated at the school for September 2024.

15. The local authority uses planning areas, which are geographical areas each containing a number of schools, for school place planning purposes. The school is one of eight infant or primary schools admitting children to YR in its planning area. The following table gives the PANs and forecast numbers entering YR for these schools in the next four years.

PL Area	School	DfE Code	PAN	Reception Forecast	2024/2025	2025/2026	2026/2027	2027/2028
9161840 (8.4)	Benhall Infant School	2165	60		54	55	43	61
9161840 (8.4)	Greatfield Park Primary School	2151	30		21	21	21	20
9161840 (8.4)	Lakeside Primary School	2160	90		67	67	56	62
9161840 (8.4)	Leckhampton CofE Primary School	3094	90		86	81	67	70
9161840 (8.4)	Naunton Park Primary School	2155	60		59	58	52	60
9161840 (8.4)	St James' CofE Primary School	3096	60		53	56	50	52
9161840 (8.4)	St Mark's CofE Junior School	3363			0	0	0	0
9161840 (8.4)	Warden Hill Primary School	5210	60		57	56	46	51
9161840 (8.4)	Z9161840 (8.4) Extra				0	0	0	0
9161840 (8.4)	Total		450		397	394	335	376

16. The above data shows that if the proposed variation is approved, there are likely to be some seven displaced pupils. These will probably not have put the school as their first preference but are likely not to have been offered their first preference and to have put the school as a lower, probably second, preference. The displacement of those pupils will have a negative impact on parental preference. Nevertheless, I am satisfied that there will be places available at other schools within a reasonable distance of those children's home addresses. I therefore consider that the proposed variation will have no adverse impact on the overall sufficiency of school places in the area.

17. I now turn to the number of children at the school and the reasons given by the local authority in support of the variation request, which refers to the governing board's wish to align its staffing and budget to the reducing number of children. In essence infant class size regulations mean that if more than 60 children are admitted to YR in 2025 the school would need to have three classes but if the number is well below 90, as is likely, would not receive sufficient funding to support the cost of the extra class. The local authority have set out their position on this in the passage quoted above.

18. After consideration of all the factors above, I find that the proposed variation is justified by the circumstances and I approve it. The PAN for 2025 will be 60.

## Other matters

19. In the initial letter to the local authority a further issue was raised under my powers in S88I of the School Standards and Framework Act 1998, as follows:

“It is unclear whether the following provision, in paragraph 9 of the admission arrangements, relating to summer born children: “Parents can only apply for a Reception place at a school once and must apply for a place during the standard application process timeline for their chronological year group, stating their reasons for requesting deferred entry to the following year. Please note that applications must be made to the admissions authority of the preferred school(s) by the deadline of 31st March 2025 (to ensure that the child is not allocated a place in April for September 2025) with supporting evidence if appropriate” is compliant with paragraphs 2.18 to 2.20 of the School Admissions Code, particularly the first sentence of paragraph 2.20.”

20. I find that the wording quoted above does not comply with the provisions of paragraphs 2.18 to 2.20 of the Code. There should be a clear process for requesting admission of a summer born child in the September following their fifth birthday in Reception rather than Year 1. It should also be clear that the application for that Reception entry should be processed together with other applications for Reception in that September. The local authority has suggested a change to the wording. I welcome this willingness to amend the admission arrangements but cannot advise on the proposed wording.

## Determination

21. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Gloucestershire County Council for Lakeside Primary School for September 2025.

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

23. I find that in respect of the other matter set out above the wording of the admission arrangements is not compliant with the provisions of the Code, and will need to be revised.

Dated: 6 June 2024

Signed:

Schools adjudicator: Tom Brooke