



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: VAR2449**

**Admission authority: Worcestershire County Council for Meadow Green Primary School, Wythall.**

**Date of decision: 25/07/2024**

## 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 Worcestershire County Council for Meadow Green Primary School for September 2024.**

**I determine that the published admission number for September 2024 shall be reduced from 45 to 30.**

## The referral

1. Worcestershire County Council has referred a proposal for a variation to the admission arrangements for September 2024 (the arrangements) for Meadow Green Primary School (the school) to the adjudicator. The school is a community school for children aged 3 to 11 in Wythall.
2. The proposed variation is to reduce the published admission number (PAN) 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 variation. I find that the appropriate procedures were followed, and I am also 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, supporting documents and further information provided at my request;
  - b. the determined arrangements for 2024 and the proposed variation to those arrangements;
  - c. comments on the proposed variation from the school and information the school provided in response to my enquiries; and
  - d. a map showing the location of the school and other relevant schools.

## The proposed variation

7. The proposed variation is to reduce the PAN for 2024 from 45 to 30.
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. The PAN of 45 for 2024 was set by the local authority on 16 February 2023 when it determined the admission arrangements for all schools for which it is the admission authority. The major change in circumstances since this PAN was set is described in the application as the expansion of a community school in a neighbouring local authority area

“from September 2019” and an increase in capacity at a neighbouring primary academy “previously”. The application goes on to say that housing development in the area “has not been reflected in the take up of the additional capacity created.” Along with the proximity of additional capacity in other schools, the application cites changes to working patterns since the pandemic leading to fewer parents finding the school a convenient option for their children as they travelled past it to work in Birmingham.

10. The application described other trends such as “Pupil numbers since September 2019 have shown continuing downward projections and volatility”. It seems to me that these trends would have been known when the PAN for 2024 of 45 was set in February 2023. What would not have been known was the marked drop in intake in September 2024 to 27 from the 39 admitted in the previous year. I am prepared to accept this as the change in circumstances required to request a variation.

11. The application continues to say that forecasts show demand for places continuing to be below 30 and there is no house building or other factors which would lead to 30 places being insufficient to meet the need for places in the area.

12. The school told me that the number on roll in September 2024 is expected to be:

Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
27	39	28	35	41	32	43	245

The current class organisation is as follows, an arrangement which I have seen in many primary schools with a PAN of 45:

Reception	Two classes
Years 1 and 2	Three classes
Years 3 and 4	Three classes
Years 5 and 6	Three classes

13. The school said that with just 27 children starting in reception in September 2024 following recent intakes significantly below the PAN this class structure was not financially sustainable. To address this problem the school wanted to use the following organisation of classes from September 2024:

Reception	One class
Years 1,2 and 3	Four classes

Years 4,5 and 6	Four classes
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14. With the current organisation of classes, the average class size would be 22.3, with the school's preferred organisation for September 2024, it would be 27.2. Across England the average infant class has 26.6 pupils and class sizes for older children in primary schools has an average of 27.9 (Schools, pupils and their characteristics, DfE, June 2024). Running class sizes much below the average figure is not affordable in the long-term.

15. The application said that if the PAN for September 2024 remained at 45, the school would not be able to move away from its current pattern of organisation, because it had to allow for the possible admission of more pupils taking the Reception year group above 30 and requiring measures to conform with the requirements of the School Admissions (Infant Class Sizes Regulations 2012 (the Regulations)).

16. Given the demographic pattern described in the application, I consider it unlikely that more than three new pupils will apply for a place in the Reception class at the school during the coming school year when places must not be refused until the PAN is reached. Should there be more than three applications for the Reception year, the proposed organisation includes two Year 1 classes one of 19 pupils and one of 20. Fourth or subsequent applicants for Reception could be placed in one of the Year 1 classes. There may be some pedagogical challenges from this, and a parent faced with this option may revise their choice of school, but it would not breach the requirements of the Regulations. Therefore, I do not think that the proposed reduction in PAN is necessary for the school to move to the pattern of organisation it would like in September 2024.

17. While I do not think it necessary to reduce the PAN to enable the school to move to the proposed affordable class structure, given the demographic picture that has been painted, reducing the PAN will have no adverse effect on families in the area. Parental preferences for 2024 have been met and a few places would remain for any new arrivals in the area. Approving this proposal will give the school the security of knowing it can proceed as it would like to with no risk, no matter how small. The local authority is both the body responsible for determining the PAN for the school in future years and the body responsible for ensuring there are sufficient school places in the area. Should the places removed by this proposal be required in the future, the local authority has the power to replace them. I therefore approve this proposal.

18. In approving this proposal, I ask the school and local authority to note that my decision only concerns the PAN for 2024. In February 2024 the local authority determined a PAN for the school of 45 for 2025 and unless a variation to this is requested and approved, that PAN remains in place.

## Determination

19. 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 Meadow Green Primary School for September 2024.

20. I determine that the published admission number for September 2024 shall be reduced from 45 to 30.

Dated: 25/07/2024

Signed:

Schools adjudicator: Phil Whiffing