



Office of  
the Schools  
Adjudicator

## Determination

**Case references:** VAR2448

**Admission authority:** West Northamptonshire Council

**Date of decision:** 07/08/2024

## 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 West Northamptonshire Council for Croughton All Saints Church of England Primary School for September 2024.

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

I also approve the proposed variation to the admission arrangements determined by West Northamptonshire Council for Croughton All Saints Church of England Primary School for September 2025.

I determine that the published admission number for admissions to reception year in September 2025 shall be 15.

## The referral

1. West Northamptonshire Council (the local authority) has referred a proposal for variations to the admission arrangements (the arrangements) for September 2024 and for September 2025 for Croughton All Saints Church of England Primary School (the school) to the adjudicator. The school is a voluntary controlled school for children aged three to eleven in Croughton, Brackley and the local authority is the admission authority for the school. The school has a Church of England religious character and the faith body is the Diocese of Peterborough.

2. The proposed variations are:

- a. that the published admission number (PAN) be reduced from 20 to 15 for admissions to reception year (YR) in September 2024; and
- b. that the PAN for admissions to YR in September 2025 be reduced from 20 to 15.

## 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 variations. I find that the appropriate procedures were followed, and I am satisfied that the proposed variations are 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 2 July 2024 and supporting documents;
- b. the determined arrangements for 2024 and the proposed variation to those arrangements;
- c. the determined arrangements for 2025 and the proposed variation to those arrangements; and
- d. information available on the websites of the local authority, the school and the Department for Education (the DfE).

## **The proposed variations**

7. It is proposed to reduce the PAN from 20 to 15 for entry to YR in 2024 and from 20 to 15 for entry to YR in 2025.
8. The proposed variations have the support of the governing body.
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. I will consider below whether the variation requested is justified by the change in circumstances.

## **Consideration of proposed variations**

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 variations are properly scrutinised. I note here that the proposed variation for 2025 has been submitted less than five months after a PAN of 20 for 2025 was determined by the local authority on 16 January 2024.
11. The response I received from the Diocese suggested that they had not been informed and that they would seek to discuss the proposal with the school. However, I have seen the notification email sent from the local authority to the Diocese on 2 July 2024 and I am satisfied that this fulfils the requirement to notify the Diocese.
12. The major change in circumstances relied upon by the local authority is set out in the referral from the local authority, which states:

“Since schools’ admissions arrangements were determined, Croughton Primary School has seen a significant drop in demand for primary school places in the area, arising from a drop in the birth rate circa 5 years ago and the location of the school. It has now led to the level of surplus capacity at the school exceeding DfE recommended limits of between 5 and 10%. Consecutive low intakes in the recent academic years, combined with larger cohorts leaving the school at the end of Year 6 have resulted in a significant decrease in the number of pupils on roll at the school and this is now impacting on the school’s budget. The proposal is to reduce the PAN from 20 to 15 for both September 2024 and September 2025.

Reducing the PAN to 15 will stabilise pupil numbers and allow the school to move to mixed age classes and give them greater certainty when planning the numbers of staff required and allow for more robust financial planning. It will improve the long-term financial viability of the school, inevitably benefit all pupils that attend the school.”

13. The local authority has a duty to make sure that there are sufficient places for the children in its area. School admissions for the West Northamptonshire Council are based on geographical planning areas. There are seven schools which admit pupils in YR in the planning area for this school. Over the last four years the total PAN for the planning area has reduced from 253 to 248. This was as a result of an earlier reduction in PAN for this school from 25 to 20 in 2023.

14. In September 2023 these 248 places were filled by 218 pupils showing a surplus of places of 30 although in September 2024 237 pupils have been offered places across the seven schools showing a surplus of only 11 places. Projections from the local authority for 2025 and 2026 intake show that it is expected that 242 and 234 places will be required. (See table below)

15. I have 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 20 to 15 for 2024, and similarly for 2025. 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.

16. The local authority has provided me with data to show the numbers now allocated to the seven schools following national offer day (16 April 2024) and the projected numbers for 2025 and 2026. These shown in table 1.

**Table 1: School places in the planning area, allocations to YR for September 2024, and projections for 2025 and 2026**

	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>
<b>Sum of PANs of schools in the planning area</b>	253	248	248	248	248 (assumed)
<b>Number of children admitted or projected to be offered a place</b>	229	218	237	242 (projected)	234 (projected)
<b>Vacant places</b>	24	30	11	6	14

<b>Vacant places as a percentage</b>	9.48	12.09	4.44	2.41	5.64
<b>Sum of PANs if variations approved</b>			243	243	243
<b>Vacant places if 2024 variation approved</b>			6		
<b>Vacant places as a percentage if 2024 variation approved</b>			2.47		
<b>Vacant places if 2025 variation approved</b>				1	
<b>Vacant places as a percentage if 2025 variation approved</b>				0.41	

17. From these figures it is clear that across the area, if the PAN reduction is agreed the percentage of surplus places (2.47per cent in 2024 and 0.41 per cent in 2025) would be very tight and far less than the DfE recommended limits of between five and ten per cent.

18. Close scrutiny of the figures shows that the school is the only one of the seven schools which is showing a significant decline in numbers – see table 2 below.

**Table 2 Admissions to the school**

	2021	2022	2023	2024	2025	2026
PAN (if variation approved)	25	25	20	15	15	15

First preferences	11	9	10	6		
Admitted	14	10	16	8	12 (projected)	11 (projected)
Surplus places	11	15	4	7	3	4
Vacant places as a percentage	44	60	20	46	20	26

19. I am satisfied that the decline in numbers at the school justifies a request to vary the PAN although this is not reflected in the wider planning area

20. 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 at this point that the allocation numbers for September 2024 are such that if I agree the variation, there will be no frustration of parental preference.

21. The request for the variations refers to the local authority's wish to align the school's 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 schoolteacher, except in specific exceptional circumstances.

22. The school has provided me with information regarding the numbers of pupils in the classes up to July 2024 and how they are organised. This is shown in table 3.

**Table 3: Organisation of classes**

<b>Year group</b>	<b>Number of children</b>	<b>Organisation – class name</b>
<b>Nursery</b>	8	Oak
<b>YR</b>	14	Oak
<b>Y1</b>	9	Chestnut
<b>Y2</b>	17	Ash

<b>Year group</b>	<b>Number of children</b>	<b>Organisation – class name</b>
<b>Y3</b>	18	Ash
<b>Y4</b>	20	Sycamore
<b>Y5</b>	13	Maple
<b>Y6</b>	21	Maple

23. For the academic year 2023-4 the school has been organised into five classes. I note if the PAN for YR in 2024 were to be reduced to 15, the school would be able to plan its staffing and organisation on the basis that it will have no more than that number of children in YR. This would provide flexibility for the school in terms of class organisation and financial planning and would enable the school to organise KS1 pupils into two or three classes.

24. A similar argument can be made in respect of the organisation of classes for September 2025. A reduction in the PAN for YR in 2025 will enable the school to plan for no more than 15 YR children. I also consider that, when taking into account the evidence supplied by the local authority in the referral, a reduction in the PAN to 15 at this school will be unlikely to result in any frustration of parental preference.

25. After consideration of all the factors above, I find that both variations are justified by the change in circumstances and I approve them. The PAN for 2024 will be 15 and the PAN for 2025 will be 15.

## **Determination**

26. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by West Northamptonshire Council for Croughton All Saints Church of England Primary School for September 2024.

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

28. I also approve the proposed variation to the admission arrangements determined by West Northamptonshire Council for Croughton All Saints Church of England Primary School for September 2025.

29. I determine that the published admission number for admissions to reception year in September 2025 shall be 15.

Dated: 07/08/2024

Signed:

Schools adjudicator: Ann Talboys