



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2456

Admission authority: Sefton Metropolitan Borough Council for Hatton Hill Primary School, Litherland, Merseyside

Date of decision: 04 September 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 Sefton Metropolitan Borough Council for Hatton Hill Primary School for September 2025.

I determine that the published admission number will be 30.

The referral

1. Sefton Metropolitan Borough Council (the local authority) has referred a proposal for a variation to the admission arrangements (the arrangements) for September 2025 for Hatton Hill Primary School (Hatton Hill, the school) to the adjudicator. The school is a community primary school for children aged 3 to 11 in Litherland, Merseyside. The local authority is the admission authority for the school.
2. The proposed variation is a reduction in the published admission number (PAN) from 60 to 30 for entry to the school in September 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 body 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 24 July 2024, supporting documents and further information provided at my request;
- b. the minutes of the governing body meeting of 12 June 2024 at which the proposed variation was discussed;
- c. the determined arrangements for 2025 and the proposed variation to those arrangements;
- d. comments on the proposed variation from the school;
- e. a map showing the location of the school and other relevant schools; and
- f. information available on the websites of the local authority, the school and the Department for Education.

The proposed variation

7. The proposed variation is to reduce the PAN from 60 to 30 for admissions to reception year (YR) in September 2025. The arrangements for the school for 2025/26 were determined by the local authority on 12 February 2024.

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. Once the PAN has been set for a particular year then no body, except the governing board of a community or voluntary controlled school, can object if that PAN remains the same in subsequent years. 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. In other words, if I agree that the PAN can be 30 for 2025 then it can remain so for 2026 and so on, with no consultation required for up to seven years and no objections being possible.

10. The major change in circumstances relied upon by the local authority is set out in the referral. This is predominantly linked to a drop in the number of applications for a place at the school. The referral states:

“Falling rolls within the primary age group overall and particularly within the planning area the school is in. There has been a reduction in the birth rate for this age group in 2019/20 of 1.85%, compared to births in 2018/19.

There are currently 18.6% surplus places in the planning area for reception entry 2024.

The lower number of children offered a place for Sept 2024 (34) represents a loss in funding which could result in a substantial deficit budget. The school has not been oversubscribed for several years.

The projected pupil numbers in the planning area show there is likely to be a further reduction in the primary age group numbers over the next 5 years.”

11. 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 60 to 30 for 2025. I have also considered the demand for places at the school, 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. The school is based in the planning area of Bootle and Litherland and I have considered the data that the local authority has provided for that area.

13. In the planning area there are 22 primary schools, including the school, for which the usual year of entry is YR.

14. Table 1 summarises the data supplied to me by the local authority for each of the schools in the planning area that admit children into YR; the number of children allocated a place in each of the previous three years; the number of places offered for 2024 and the forecast numbers for 2025 and 2026.

Table 1: School places in the planning area and allocation to YR

	2021	2022	2023	2024	2025*	2026*
The total PAN for the planning area	900	900	900	900	900	900
The total number of places allocated in the planning area in July of the relevant year	829	729	814	732	712*	734*
The number of vacant places in the planning area	71	171	86	168	188	166
The number of vacant places in the planning area as a percentage of the total number of places	7.9%	19.0%	9.6%	18.7%	20.9%	18.4%

* Forecast data provided by the local authority 24/07/2024

15. Table 1 shows that, there are likely to be well over 100 vacant places for YR children in the planning area in September 2025. This would remain the case if the proposed reduction in PAN for the school were to be approved.

16. Based on the allocations made for entry to schools in the planning area for September 2024 (as of 11 July 2024), 15 of the 22 schools are likely to have capacity to admit additional children to YR. These schools are located across the planning area and include community schools and schools with a religious character.

17. From the data above, I am satisfied that if the PAN of the school were to be reduced to 30 for 2025, there would be sufficient places available in the planning area for any parents seeking a YR place for their child.

18. I will now consider the demand for places at the school and the reasons why the local authority has proposed the reduction in PAN. Table 2 summarises the admissions to the school.

Table 2: the number of children admitted to the school, offered a place and forecast demand

	2021	2022	2023	2024	2025*	2026*
The PAN for the school	60	60	60	60	60	60
The number of first preferences	45	26	50	32	N/A	N/A

	2021	2022	2023	2024	2025*	2026*
Number of children allocated a place in July of the relevant year	58	30	52	34	30*	31*
The number of vacant places	2	30	8	26	30*	29*

* Forecast data provided by the local authority 24/07/2024

19. Table 2 shows that the number of children allocated a place has, like the planning area as a whole, fluctuated over the last few years. However, the number of children allocated a place in 2022 and 2024 is in the low 30s. Forecast data suggests that this is likely to remain the case for 2025 and 2026.

20. Further data provided by the LA shows that the number of children on roll in YR in October of the relevant year is the same as, or a little lower than, the number of places allocated in July of that year. Specifically, the numbers on roll in YR were: October 2021 – 56 children; October 2022 – 28 children; October 2023 – 52 children.

21. The school, and the other primary schools in the area, are affected by the provisions of the School Admissions (Infant Class Size) (England) Regulations 2012 (the infant class size regulations) which 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 school teacher except in specific exceptional circumstances. The infant class size regulations apply to YR, Year 1 (Y1) and Year 2 (Y2). As schools are largely funded based on the number of pupils on their rolls, it is more efficient financially for primary schools to have classes of 30 or near to 30. Classes that are significantly smaller than 30 can create economic strain upon a school.

22. If the school has numbers of children that are a little over 30, as likely in 2024, then the school will either have to create two small YR classes of around 17 children, which is an expensive model, or consider restructuring to create mixed age classes.

23. The forecast demand for 2025 is 30. If this number were to be admitted, then the school could run one class for YR children. However, if the PAN remains at 60, the school will be required to admit any child during the academic year whose parents request a place at the school until 60 children have been admitted. This could mean classes would need to be reorganised and additional staff recruited during the year. This creates uncertainties in school organisation as the school would not know if or when an additional class would be required. As well as being potentially disruptive and unsettling for both children and staff, it would also be financially inefficient.

24. The request for the variation emphasised the financial challenges the school may face if the PAN remained at 60. The referral states:

“For 2024-25 there are only 34 children offered places in a 60 place setting. This represents a loss of funding of approximately £156,000 in the first year alone which is unsustainable...

Whilst the school has been able to successfully manage its budget up until now, the school relies heavily on pupil premium grant as it is in an area of deprivation with 51% of children entitled to Free School Meals. As this grant remains ring fenced it cannot be used to sustain a two form entry for which there is a reduced demand.”

25. In relation to how the proposed variation will address potential problems, the referral states that it will allow:

“Management of school budget to ensure best value for money and effective use of resources to provide an efficient education to all pupils.”

26. In each year for which I have data, all the parents who selected Hatton Hill as the first preference for their child have been allocated a place at the school. The pattern of preferences is similar to the number of places allocated and so it is likely, given the forecast numbers, that the great majority, if not all, of parental first preferences would be satisfied with a PAN of 30. As the school is situated in an urban area and there are other schools, which are forecast to have spaces in YR in 2025, within two miles of the school, I am assured that a reduction in PAN would result in minimal frustration of parental preference.

27. As stated earlier in this determination, if I agree to a PAN of 30 for 2025 then it can remain so for 2026 and so on, with no consultation required and no objections being possible. The data provided by the LA for 2026 is similar to that for 2025 and it has stated that there is “likely to be a further reduction in the primary age group numbers over the next 5 years”. I can also see from the minutes of the governing body meeting that governors are of the view that the school is likely to “go down to 1 form entry”.

28. Additionally, the LA state:

“Although births in Sefton have increased the past couple of years, this is only by a small percentage. Birth figures for the past few years (since 2019) are significantly lower than they were previously. Reception numbers in the planning area look set to increase slightly over the next couple of years, however there will be surplus places across the planning area overall. If we look at the 5 year forecasts for primary pupils (across all year groups combined) in the Bootle & Litherland planning area, there is a high number of surplus places (over 500).”

29. For all of the reasons above, I agree that a reduction in the PAN to 30 for 2025 would provide greater stability for the school and its pupils and benefit the school financially. On balance, I find that this benefit outweighs any potential frustration of parental preference. I have also taken into consideration that parents would know the revised PAN for 2025 before they need to make their application. On balance, therefore, I find that the variation is justified by the circumstances, and I approve the proposed variation.

Determination

30. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Sefton Metropolitan Borough Council for Hatton Hill Primary School for September 2025.

31. I determine that the published admission number will be 30.

Dated: 04/09/2024

Signed:

Schools adjudicator: Catherine Crooks