



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2453

**Admission authority:** The governing body for Queen Emma Primary School, Cambridge

**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 the governing body for Queen Emma Primary School, Cambridge for September 2025.

I determine that the published admission number for September 2025 shall be 30.

I have also considered the arrangements for September 2024 and September 2025 under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise both sets of admission arrangements within two months of the date of this determination.

## The referral

1. The governing body for Queen Emma Primary School (the school) has referred a proposal for a variation to the admission arrangements for September 2025 (the arrangements) for Queen Emma Primary School to the adjudicator. The school is a foundation school for children aged two to eleven in Cambridge and the local authority is Cambridgeshire County Council.

2. The proposed variation is that the published admission number (PAN) for September 2025 be reduced from 60 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 governing body has provided me with confirmation that the appropriate bodies have been notified. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction. I am also satisfied that it is within my jurisdiction to consider the determined arrangements in accordance with my power under section 88I of the Act as they have come to my attention and determine whether or not they conform with the requirements relating to admissions and if not in what ways they do not so conform.

5. In considering these matters 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 governing body dated 19 July 2024, supporting documents and further information provided at my request;
- b. the determined arrangements for 2025 and the proposed variation to those arrangements;
- c. comments on the proposed variation from the school and the local authority;
- d. a map showing the location of the school and other relevant schools; and
- e. information available on the websites of the local authority, the school and the Department for Education, including ‘Get Information About Schools’ (GIAS).

## The proposed variation

7. The governing body has proposed that the PAN for 2025 be reduced from 60 to 30. The school is federated with Queen Edith Primary School and the proposal is that:

“Since we are a Federation of two schools within easy walking distance of each other, we manage any later or in-year admissions to Reception by diverting these to our other school. Our sister school does not have a full Reception intake this year and the figures suggest that this will also not be the case in the Reception 2025 intake.”

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. 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 body 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.

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

“Since the admission arrangements were determined, the school has seen a falling roll, particularly affecting our Reception intakes. This year, we have had applications and acceptances for 30 children being admitted in to Reception 2024. This means that our intake for Reception 2024 will be 30.

We recently applied for a variation in admission from September 2024, partly because of the fall in our admissions and partly also because the school has entered a significant deficit position and its recovery plan of a 3-4 year period is dependent on this decision. Our application for 2024 was granted, however we are still facing a significant drop in applications and our financial situation remains very difficult.

Due to low numbers in some other year groups, the school has received significantly reduced funding. Moreover, thanks to high levels of SEND at Queen Emma and the general shortfall in SEND funding, many children have not received the funding to which they are entitled in a timely manner. This is also compounded by the fact that the SEND funding that the school receives does not cover the cost of provision for these children.

It remains the case that, without a second variation, it is unlikely that we will be able to balance our budget from 2025; with the variation, our situation, though still difficult, will be manageable.

If we do not move to a variation, the foreseen consequence will be that our budget for future financial years will not balance and will plunge us further into debt, jeopardizing the future of the school.

When we applied for the variation from September 2024, we said that the situation could be revised in the light of changes in demographics and that we remain flexible in outlook and open to review of our admissions arrangements. This remains the case. Specifically, application and demographic data suggest there is not likely to be any major change in the picture by September 2025; indeed, it might actually get worse. Thereafter, however given the plans for significant growth in the South Cambs region outlined in **The Case for Cambridge** we think it likely that there will be enough of an upturn in demand to allow us to return our PAN to 60.”

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 60 to 30 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.

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. This data shows the numbers now allocated to the schools in the planning area following national offer day (16 April 2024) and is set out in table 1 below. The data was provided by the local authority and was accurate as of 8 July 2024.

13. Table 1: Number of children admitted to reception year (YR) in schools in the planning area over the last three years and forecast for the next three years, the sum of the PANs across the planning area and the number of vacant places both without and with the proposed PAN reduction.

	2022/23	2023/24	2024/25 (allocated)	2025/26 (forecast)	2026/27 (forecast)	2027/28 (forecast)
Colville Primary School	28	27	22	18	21	35
Morley Memorial Primary School	58	58	49	59	56	57

Queen Edith Primary School	58	50	54	57	52	59
Queen Emma Primary School	59	45	30	30	28	30
Ridgefield Primary School	30	29	21	30	30	29
The Spinney Primary School	30	30	30	30	25	19
<b>TOTAL</b>	<b>263</b>	<b>239</b>	<b>206</b>	<b>224</b>	<b>212</b>	<b>229</b>
<b>Sum of PANs for YR</b>	270	270	240	270	270	270
<b>Vacant places</b>	7	31	34	46	58	41
<b>if proposed variation is approved for 2025 and PAN is also set at 30 for 2026/27 and 2027/28</b>						
<b>Sum of PANs for YR</b>				240	240	240
<b>Vacant places</b>				16	28	11
<b>Vacant places as a percentage</b>	<b>2.5</b>	<b>11.5</b>	<b>14.2</b>	<b>6.6</b>	<b>11.6</b>	<b>4.5</b>

14. From these figures I am satisfied that if the PAN for 2025 were to be reduced to 30, there would be sufficient places left in the planning area for any children who might be seeking a YR place for 2025/26.

15. If the proposed variation is agreed, it will be possible for the governing body to determine a PAN of 30 for the following year without consultation. I am also satisfied that a PAN of 30 for 2026 would not lead to a shortage of places in 2026/27.

16. While the number of surplus places across the planning area becomes low in 2027/28, the governing body indicated in their proposal both that they would be flexible, and that proposals for new housing development were such that they hoped to increase their PAN back to 60 when feasible.

17. 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 (30 allocated places as of 8 July 2024) are such that there has been no frustration of parental preference.

18. The request for the variation refers to the governing body's need to address the budget deficit. 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. The proposed variation would support the school's budget by ensuring that there is one full reception class and therefore the need to employ only one YR teacher, rather than having two small YR classes and needing to employ two YR teachers. As the majority of school funding is linked to the number of children, in classes where there are significantly fewer than 30 children, the cost of staffing is greater than the funding generated.

19. I am satisfied that the certainty afforded by the proposed variation will enable the governing body to stabilise its staffing situation and will contribute significantly to the school's ability to address its budget deficit, noting however that the issues raised by the school relating to SEND funding are a separate matter and for the school to resolve with the local authority.

20. 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 2025/26 will be 30.

## Other Matters

21. In their proposal, the governing body suggested that they could 'manage any later or in-year admissions to Reception by diverting these to our other school.' I am not entirely clear what is meant by this statement. It appears to suggest that, where the school is full, applicants will simply be accommodated at the other federated primary school. The Code does not permit this sort of flexibility. The coordination of applications and offering of school places is managed by the local authority under their coordinated scheme. If a place is unavailable to an applicant for Queen Emma, the local authority will look to place that child at the school which is the school of next parental preference. If no places are available at any of the schools chosen by the parents, the local authority will offer a place for the child at any local school with vacant places.

22. Late admissions, unless the admission arrangements provide that late applications are treated differently to on-time applications (and define clearly what is meant by a late application), will be treated in the same way as on-time applications.

23. There is not currently anything in the arrangements about how in year admissions will be managed or by whom (the school or the local authority). The Code does not permit that, where one school in a federation is full, any in-year applicant can simply be directed to the other school in the federation. The process for in-year applications must be set out on the school's website by 31 August each year. Information on the requirements of the Code in relation to in-year admissions are set out at paragraphs 2.23 to 2.31 of the Code.

## Consideration of the arrangements

24. Having considered the arrangements as a whole it appeared to me that the following matters may not conform with requirements of the Code and so I brought them to the attention of the governing body. These matters apply to both the 2024 and the 2025 arrangements, which are identical in all material respects. When I considered the application for approval of a reduction in the PAN for September 2024, I did not consider the arrangements as a whole as the PAN reduction was needed urgently. However, the consideration below applies to both sets of arrangements.

25. I have listed these matters below setting out the relevant paragraphs of the Code and where the arrangements do not conform to requirements.

22.1 The admission arrangements do not state which year of admission they are for. This does not provide the clarity needed for parents as required by paragraph 14 of the Code, which states that “In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear, and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.”

22.2 I was unable to find the admission arrangements on the school or federation’s websites as required by paragraph 1.50 of the Code which provides that once admission authorities have determined their admission arrangements, they **must** publish a copy of the determined arrangements on the school’s website by 15 March in the determination year.

22.3 The arrangements state “Cambridgeshire Local Authority (LA) is responsible for setting the Admissions Policy and criteria for Queen Emma Primary School.” The school is a foundation school and so it is the governing body that is the admission authority and has responsibility for setting the arrangements, not the local authority. This statement is therefore incorrect and misleading for parents, not providing the clarity required by paragraph 14 of the Code.

22.4 The arrangements state that “from 2022 the following criteria will be used...” As the arrangements apply for the 2025/2026 year of admission, the reference should be to that year to provide the necessary clarity for parents (paragraph 14 of the Code). Admission arrangements must be determined annually by the admission authority by 28 February in the year prior to the year of admission, even if there have been no changes to the arrangements as set out in paragraph 1.49 of the Code.

22.5 The arrangements do not provide the offer date for parents (16 April or nearest working day thereafter) in the year of admission. This would be useful for parents and provide the clarity required by the Code (paragraph 14).

- 22.6 The arrangements say, at criterion one of the oversubscription criteria, that “Children who have a statement of special education need (SEN)/Education Health and Care Plan (EHCP) that names the school will be admitted. NB Those children with an SEN/EHCP that does not name the school will be referred to Statutory Assessment Team (SAT) to determine an appropriate place”. Firstly, the statement of SEN has been superseded by the EHCP and so no longer exists, therefore reference to statements of SEN make the arrangements unclear. Secondly, the Code states at paragraph 1.6, that those children with an EHCP naming the school must be admitted. This statement should be separate from the oversubscription criteria.
- 22.7 Within the oversubscription criteria, the arrangements give priority at ii) to Looked After Children and Previously looked after children. The arrangements separate out those children who appear to have been in care outside of England and put them at iii) of the arrangements. These should be included together as the first oversubscription criterion as required by the Code at paragraph 1.7.
- 22.8 The arrangements do not provide detail of how the distance will be measured as required by the Code at paragraph 1.13.
- 22.9 The arrangements do not include a tie-break as required by the Code at paragraph 1.8.
- 22.10 The arrangements do not make clear under what circumstances the offer of a place may be withdrawn as required by the Code at paragraph 2.13.
- 22.11 The arrangements do not provide any information about waiting lists as required by the Code at paragraph 2.15.
- 22.12 The arrangements do not provide any information on the admission of children below compulsory school age and deferred entry to school as required by the Code at paragraph 2.17.
- 22.13 The arrangements do not provide any information on the process for requesting admission out of the normal age group as required by the Code at paragraph 2.18.

26. The governing body has told me that it will address these matters, as permitted by paragraph 3.6 of the Code, which is welcomed. As the governing body has accepted that changes are required, I will not discuss them further other than to make clear that the Code requires that the arrangements be amended to address the points set out here in the timescale set out in this determination.



## Determination

27. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the governing body for Queen Emma Primary School, Cambridge for September 2025.

28. I determine that the published admission number for September 2025 shall be 30.

29. I have also considered the arrangements for September 2024 and September 2025 under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

30. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise both sets of admission arrangements within two months of the date of this determination.

Dated: 04/09/2024

Signed:

Schools adjudicator: Mrs Tess Gale