



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2507

**Admission authority:** Oxfordshire County Council for Carswell Primary School, Abingdon

**Date of decision:** 12 November 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 Oxfordshire County Council for Carswell Primary School, Abingdon for September 2024.

I determine that the published admission number shall be reduced from 30 to 20.

## The referral

1. Oxfordshire County Council has referred a proposal for a variation to the admission arrangements for September 2024 (the arrangements) for Carswell Primary School (the school) to the adjudicator. The school is a community school for children aged 3 to 11 in Abingdon.
2. The proposed variation is to reduce the published admission number (PAN) from 30 to 20.

## 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 23 October 2024 and supporting documents;
- b. the determined arrangements for 2024 and the proposed variation to those arrangements;
- c. comments on the proposed variation from the school and further information provided by the school; and
- d. a map showing the location of the school and other relevant schools.

## The proposed variation

7. The proposal is to reduce the PAN from 30 to 20.

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 school told me that number of children on roll at the school is as shown in the table below. Children in Years 1 to 6 are taught in distinct classes for each age group.

Nursery	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
11	21	30	30	29	30	30	29

10. The local authority told me that the number of children admitted in September 2024 was 20 and that for 18 of these children the school was their parents' first preference. An additional child would appear to have been admitted since the local authority provided that information. The school is experiencing difficulty in recruiting staff and after two attempts, the school has been unable to recruit someone to replace the member of staff who taught the nursery class. With the low number of children admitted to Reception in September 2024, the governing body has decided, after consulting early years specialists in the local authority, to combine children in the nursery and reception class into one foundation stage class under the leadership of the Reception class teacher. As the majority of children in this class will be aged 5 during the school year, this class meets the definition of an infant class and under infant class size regulations, cannot contain more than 30 children with one teacher.

11. Admission of children of nursery school age is not governed by the Code and is not within my jurisdiction. It is for the governing body to decide how many children to admit to the nursery and when those children attend on a full or part time basis. However, for children of Reception age, the admission authority cannot refuse admission until the PAN is reached. This means that while the governing body can limit the number of nursery pupils in the foundation stage class at any one time, the local authority cannot refuse places to Reception aged children while there are less than 30 (the current PAN) on roll. Should an additional Reception aged child apply for a place at the school, they could not be refused a place, and it would be necessary to take measures to comply with class size regulations.

12. The proposed reduction in PAN is intended to limit the number of Reception aged children to the present level and support the strategy to manage staffing problems.

13. I have looked at the information provided by the local authority about the supply of school places in the local planning area. There are 14 primary schools in the planning area which offered 501 Reception places for September 2024. Of these 367 were taken up, with only two schools filling to their respective PANs. Any family moving into the area would have no difficulty in finding a local school place for a child in a Reception class. Reducing the PAN at the school would not change this.

14. These recruitment difficulties could not have been foreseen and the governing body has taken pragmatic steps to address the situation. Reducing the PAN from 30 to 20 would allow the local authority to refuse further admission to the Reception year group at the school and limit the number of children in the foundation stage class to 30. I, therefore, approve the proposed reduction in PAN for 2024 from 30 to 20.

## Determination

15. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Oxfordshire County Council for Carswell Primary School, Abingdon for September 2024.

16. I determine that the published admission number shall be reduced from 30 to 20.

Dated: 12 November 2024

Signed:

Schools adjudicator: Phil Whiffing