



Office of
the Schools
Adjudicator

Determination

Case references: VAR2517

Admission authority: Cheshire West and Chester Council for Wincham Community Primary School in Northwich, Cheshire

Date of decision: 16 January 2025

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 Cheshire West and Chester Council for Wincham Community Primary School for September 2025.

I determine that the published admission number for admissions to reception year in September 2025 shall be 30.

The referral

1. Cheshire West and Chester Council (the local authority) has referred to the adjudicator proposals for a variation to the admission arrangements (the arrangements) for September 2025 for Wincham Community Primary School (the school) (WCPS). WCPS is a community school for children aged three to eleven in Northwich, Cheshire.
2. The proposed variation is that the published admission number (PAN) for admissions to reception year (YR) in 2025/26 is reduced 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 and that the governing body of the school has been consulted. The governing body is supportive of the referral. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction.

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 local authority dated 19 November 2024, supporting documents and further information provided at my request;
- b. the determined arrangements for 2025 and the proposed variation to those arrangements;
- c. a map showing the location of the school and other relevant schools; and
- d. information available on the websites of the local authority, the school and the Department for Education.

The proposed variation

7. For the school, it is proposed to reduce the PAN for 2025/26 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 in certain other limited and specified circumstances.

9. The major change in circumstances relied upon by the local authority are set out in the initial referral, extracts from which are as follows:

“There has been a declining demand for school places in the planning area and the school’s numbers on roll have significantly decreased in recent years. The annual January School Census data demonstrates that the overall numbers on roll have

been on a downward trend since 2019, a trajectory which is predicted to continue across the current forecasting period.

For the most recent admission round, September 2024 entry, only 31 pupils were allocated a place at the school on National Offer Day for 45 available places. This compares with 38 pupils for the previous admission round. This presents a huge challenge for the school in terms of their class organisation, particularly considering the restrictions around the Infant Class Size legislation.

For the September 2025 admission round, it is predicted that there will be 21% surplus in Reception (59 places allocated for 75 spaces) across the two schools within the Northwich North-East Primary planning area.

The School Governing Body is confident that they are doing everything they can to promote the school with a robust local advertising campaign and a strong "Good" Ofsted judgement in the most recent Ofsted inspection (November 2023). The pupil forecast data for the planning area indicates that this lower demand for places is to continue and potentially decrease further for the remaining forecasting period.

The birth rates are declining and there is only a small amount of new housing forecast to be predicted to [be] built over the next few years within the area. The number of pupils resident within the planning area for the two schools also indicates that both schools will be a sufficient size for the local community with a reduction in Published Admission Number (PAN).

The school is having to manage this decrease in demand with a significant and increasing deficit budget position.

The school's deficit budget position is increasingly difficult to manage. The deficit has risen over successive years, and it is now impossible to recover within the standard three-year timescale. Lower pupil numbers in recent years and staff who are all at the top of the pay scale has meant that the income from the per pupil funding cannot match the school's staffing budget. This position is not sustainable for the school.

Alongside this, they have also had to manage unfunded pay rises, additional unfunded cost of supporting children with more complex needs (with full time 1-1 support), huge increases in running costs and as well as a range of other issues. The school has historically had a PAN of 45, which leads to mixed age classes (for example, a Year 1 class of 30, a mixed Year 1/2 class of 30 and a Year 2 class of 30). Now that some of the smaller cohorts have reached Key Stage two, the school has increased class sizes and made teacher redundancies to help manage the deficit. However, the school are still currently having to organise with mixed aged classes in Key Stage One due to the Infant Class Size limit.

The school has been working closely with the Council's School Finance team to ensure they are doing everything possible to address the deficit and there are no

alternative options. The school has also worked with the School Resource Management Advisor and Academy Finance Advisor who both agree with this position.”

Consideration of proposed variation

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 local authority has indicated that it intends to consult on setting a PAN of 30 in 2026 for the school.

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 as proposed. 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. The school is one of two in the Northwich North-East Primary planning area and the local authority has provided me with the following relevant data regarding admissions to planning area schools and forecasts for 2025/26 and 2026/27.

Table 1: Number of children admitted¹, or forecast to be admitted, to YR at schools in the Northwich North-East Primary planning area

	2022/23 (admitted)	2023/24 (admitted)	2024/25 (admitted)	2025/26 (forecast)	2026/27 (forecast)
Number of children	68	55	58	59	58
Sum of PANs for YR	75	75	75	75	75
Vacant places	7	20	17	16	17
Sum of PANs for YR, if proposed variation is approved	-	-	-	60	60
Vacant places, if proposed variation is approved	-	-	-	1	2
The number of vacant places expressed as a percentage	-	-	-	1.7%	3.3%

13. The above data shows that, if the proposed variation is approved, there are forecast to be very few vacant places available for entry in YR in 2025 and 2026. A small deviation from the forecast could well lead to a shortage of places, indicating that purely on this data, there is the potential for a small degree of frustration of parental preference.

14. However, from further correspondence with the local authority, I have established that there is a pattern of children joining the school from the adjacent planning area, which is the Northwich Town East Primary planning area. For example, the January 2024 Census showed that in 2023, there were 22 YR pupils at the school who resided in the school's planning area, and six who resided in the Northwich Town East Primary planning area. I note here that under the oversubscription criteria determined for the school, priority is given to residence in the "designated catchment zone", which is a subset of the planning area, rather than on the basis of distance from the school. When I asked the local authority for forecasts for this adjacent planning area for 2025 and 2026, they told me that the total of the determined PANs for 2025 for the schools in this area is 130, and that the forecasts for the number of places required are 90 places for 2025 and 86 places for 2026.

¹ These figures were supplied by the local authority as "Number of children allocated as at the relevant National Offer Day"

15. I am therefore satisfied that the proposed PAN reduction will not leave a shortage of sufficient places in the local planning area for children who live within that area and whose parents are seeking a place for their child to be admitted to YR in 2025/26.

16. If the proposed variation were approved, it would be possible for the local authority to determine a PAN of 30 for the schools for the following year without consultation. I am satisfied that this would not lead to a shortage of places in 2026/27 in the local planning area for children who reside in that area.

17. I am also satisfied that in the event of any frustration of parental preference for the school amongst parents living in the adjacent planning area, there will be sufficient suitable places within a reasonable distance in that planning area, in both 2025 and 2026.

18. I now turn to the number of children at the school and the reasons given by the school in support of the variation request. The request for the variation 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 school teacher, except in specific exceptional circumstances.

19. The local authority has provided me with details of the school's financial position which show that it had a cumulative deficit of £139,390 at the end of the 2023-24 financial year and is projected to have a cumulative deficit of £166,823 at the end of the 2024-25 financial year. This is expected to significantly worsen by the end of the 2025-26 financial year if the proposed variation is not approved, but to improve slightly if the variation is approved.

20. The school has provided me with a breakdown of how its classes are arranged, and how they will be arranged in 2025 if the proposed variation is approved or not. This analysis shows that the school currently has a 10 class structure, with some mixed age classes, and will be able to move to a nine or even eight class structure in 2025/26 if there are 30 or fewer children joining YR. However, because of the infant class size regulations, if there are more than 30 children joining YR in 2025, the school will not be able to operate this more economical arrangement, and there will consequently be a significant impact on the budget.

21. After consideration of the factors above, and taking into account the relevant circumstances, I find that the benefits to the school and its children of the proposed variation outweigh the potential for a very limited degree of frustration of parental preference. The variation is justified, and I approve it. The PAN for WCPS for 2025/26 will be 30.

Determination

22. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Cheshire West and Chester Council for Wincham Community Primary School for September 2025.

23. I determine that the published admission number for admissions to reception year in September 2025 shall be 30.

Dated: 16 January 2025

Signed:

Schools adjudicator: Clive Sentance