



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2538

**Admission authority:** Warrington Borough Council for Callands Community Primary School

**Date of decision:** 28 March 2025

## Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by Warrington Borough Council for Callands Community Primary School, for September 2025.

I determine that for admission in 2025/26 the PAN for Year R shall remain at 60.

I have also considered the arrangements under section 88I(5) 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 its admission arrangements within two months of this determination, unless an alternative timescale is specified by the schools adjudicator. In this case, it will be incumbent on the Warrington Primary Academy Trust to revise the arrangements for the school within this time scale, and for Warrington Borough Council to revise the arrangements for the schools for which it remains the admission authority, also within the same time scale.

## The referral

1. Warrington Borough Council (the admission authority, the LA) has referred to the adjudicator a proposal for a variation to the admission arrangements for Callands Community Primary School (the school or Callands) for the school year 2025/26 (the arrangements). The school is a co-educational community school for children aged 4 to 11 in Callands, Warrington. It will convert to academy status on 1 April 2025 and the

new school will retain the admission arrangements for its predecessor school on doing so.

2. Parties to the request are the school, its governing body and the LA.
3. The proposed variation is that the determined PAN be reduced from 60 to 30.

## Jurisdiction and procedure

4. Section 88E of the School Standards and Framework Act 1998 (the Act) makes provision for variations to determined arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) say (insofar as is 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”.

5. The arrangements were determined by the admission authority on 13 February 2024. The admission authority has provided me with confirmation that the appropriate bodies have been notified of the proposed variation in line with the Code. The LA has provided me with confirmation that the governing body of the school has been consulted on the proposed variation. I find that the appropriate procedures were followed, and I am satisfied that the proposed variation is within my jurisdiction.
6. I have also used my power under section 88I of the Act to consider the arrangements as a whole and to determine whether or not they conform with the requirements relating to admissions and, if not, in what ways they do not so conform. I will refer to these as ‘other matters’ and they are covered in the section of the determination under that name.
7. In considering the variation request and the matters considered under section 88I, I have had regard to all relevant legislation and the Code.
8. The information I have considered in reaching my decision includes:

- the referral from the admission authority dated 12 February 2025 and supporting documents;
  - the determined arrangements for 2025 and the proposed variation to those arrangements;
  - responses from the LA, and the school to my requests for further information;
  - information available on the websites of the DfE (including the 'Get Information About Schools' (GIAS) and 'Financial Benchmarking and Insights Tool' (FBIT) websites), the LA, the school and Ofsted; and
  - a copy of the arrangements for 2026.
9. I would like to extend my thanks to the LA and the school for their clear and timely responses to my requests for further information.
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 changes to arrangements 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.
11. I note here that the arrangements for the school year 2026/27 have been determined. I will refer to this again below.

## Consideration of proposed variation

12. 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 proposed variation is justified by the change in circumstances.
13. The arrangements set out the following (summarised) oversubscription criteria:
- a. After the priority given to looked after and previously looked after children (as defined), priority is given to siblings (as defined) of children at the school.
  - b. The next priority is given to children who need admission to the school in the view of the LA, based on medical or psychological evidence.
  - c. Remaining pupils are prioritised on the basis of the distance of their home from the school.

A tie-breaker using random allocation is described elsewhere in the arrangements.

14. I have noted that the arrangements do not make an explicit statement setting out the procedure which parents who wish to request admission to the school outside their child's normal age group must follow, and that they refer to parents "requesting" deferred or part-time admission to Reception classes. I shall return to these matters below.
15. The admission authority has proposed that the PAN for admissions to the school's Reception class in 2025, which was determined as 60 as part of the arrangements, be reduced to 30.
16. The admission authority told me that the reason for it seeking a variation for the school is that reducing birth rates locally have caused it to take action "to avoid financial challenges". It told me that the school's previous relatively healthy financial position has been affected by the reduced number of pupils in the area and that "there has been a declining financial surplus". It has stated that the latest information is that 33 pupils could be expected to be admitted in September 2025, and that this would mean creating two classes for Reception which would result in "a three-year financial deficit of around £150,000". The admission authority said that if this were to occur, financial savings would need to be made that would result in detriment to the current pupils on roll.
17. I asked the school to provide me with its comments on the proposed variation and in so doing to explain the consequences of approval, or of non-approval of the request. It said that it preferred the variation to be agreed. It said that if agreed, the variation would enable the school to have certainty in its financial and curriculum planning and that it believes that these benefits "outweigh the potential negative impact on parental preference" that may arise, and that were parental preference to be frustrated, this "will affect only a small number of families". It said that there are surplus places in the planning area and that if the variation were agreed, the effect of displaced pupils would be to offset some of this surplus.
18. The school also told me that it had considered the possibility of needing to create mixed age teaching groups across the Foundation Stage and Key Stage One if the variation were not approved, pointing out at the same time the challenges this created. It very kindly and helpfully set out for me the current number of pupils in each of its year groups and the possible organisation of the school in the event of either approval, or rejection, of the requested variation. The current year group sizes are:

<b>Year group 2024/25</b>	<b>Number of children</b>
Year R	43
Year 1	53
Year 2	50
Year 3	58
Year 4	59
Year 5	59

19. The school's intended class organisation in September 2025 is 12 classes if the variation is approved, with one teacher for the new Year R, two teachers for the new Years 1 and 2, and seven teachers for the remaining years. It has also shown me a possible mixed age organisation which would involve 12 classes in the event of the variation not being approved. This would involve having the same organisation for Years 3 to 6 and would also employ five teachers for Years R to 2, but all of these latter would be teaching a mixed age class (with two Year 1 and Year 2 mixed age classes each having the maximum of 30 children permitted under the School Admissions (Infant Class Sizes) (England) Regulations 2012). This latter arrangement would avoid the financial consequences referred to above, since it would require the same number of teachers (12) as that envisaged if only 30 children are admitted to Reception in September 2025.
20. Both the LA and the school have confirmed that there have been 33 first preferences expressed for a Year R place at the school in September 2025, and both have assumed this number of admissions if the variation is not approved.
21. The LA has a duty to ensure that there are sufficient places for the children in its area. To fulfil this duty the LA assesses the likely future number of places to be needed and plans to meet that need. The LA uses planning areas, which are geographical areas and the schools within those areas, for this purpose. When it submitted the application, the LA told me that the number of Year R places across the schools in the Great Sankey planning area, with and without the requested variation, and its most recent forecast of the need for Year R places there, is:

<b>Year</b>	<b>Forecast need for Year R places in planning area</b>	<b>Total Year R PAN (with variation in brackets)</b>
2025	332	420 (390)
2026	340	420 (390)
2027	288	420 (390)

22. The related forecast of Year R admission at the school is:

Year	Forecast admissions to Year R at school
2025	33
2026	28
2027	22

23. It is clear from these figures that, firstly, the proposed variation does not impinge on the LA's duty to secure sufficient provision locally. Secondly, a PAN of 30 is unlikely to frustrate parental preference for places at the school, but only from 2026 onwards.
24. When the LA submitted the form requesting the variation, it provided information about the three pupils who would be likely not to be admitted to the school in September 2025 should the variation not be approved. It was able to tell me that these would be children living between 1.6 and 1.8 miles from the school and to give me information about the three different schools at which alternative places would be likely to be offered to these children on the basis of their parents' expressed preferences and the availability of places. For one child, whose parents had not expressed any alternative preference, the next nearest school would be offered, at a distance of 0.5 miles from their home. For the other two children, their parents' second preference schools would be offered, and these are 2.4 and 2.6 miles from their homes. For each, Callands is about 1.7 miles from their home.
25. In response to my request for further information, the LA told me that the three alternative schools are all currently rated as "Good" by Ofsted (under the previous judgement system) and, in the case of Callands, "Good" across all 5 areas (in October 2024).
26. I have explained above what the school has said to me about possible organisational arrangements involving mixed age classes, and the likely financial consequences, should the variation not be approved. The school was informed that the adjudicator may take into account information which is available on websites such as those maintained by the Department for Education. One such website is the GOV.UK "Schools Financial Benchmarking and Insights Tool", which shows the most recently available financial information for schools, that for 2023-2024. This shows for the school for that year an in-year revenue balance of £88,417, and a revenue reserve of £124,094. My reading of this information is that in addition to a possible organisation involving mixed age classes should the variation not be approved, the school could also potentially pursue an alternative strategy to creating mixed age groups, at least for 2025/26, although I accept that this may be difficult.

27. I have noted that the determined admission arrangements for the school for 2026/27, which had been determined by the LA before the variation request was made, include a PAN of 60. The LA has however informed me that the Warrington Primary Academy Trust, which the school is due to join on 1 April 2025, and which has given its support to the proposed variation to the arrangements for 2025, intends to seek a variation to the 2026/27 arrangements to provide a PAN of 30.
28. I have considered the competing needs of providing the school places that parents want for their children and the financial viability of the school. I have noted that if I approve the variation, the parents of one of the children likely to be displaced only expressed a preference for a place at the school although other good schools are closer to their home. I have no information to this effect, but I have to bear in mind the possibility that this may be because of the parents' work arrangements, or other practical reasons for wanting a place at the school. For the other children likely to be displaced, Callands is appreciably nearer to their home than the alternative school which they would be likely to be offered.
29. It has been a mainstay of education legislation for some time that parental preference as to where their child is educated should be satisfied wherever possible, and the Code clearly supports that principle, for instance in paragraph 15 e) which says that local authorities must offer parents a place "at the highest preference school which is available". Schools may also admit over their PAN (Code, paragraph 1.4), and no objection may be brought concerning an admission authority's decision to increase its PAN (Code, paragraph 3.3 b). I take all these provisions to be intended to support the principle of the need to satisfy parental preference wherever this is possible.
30. As far as the school is concerned, I have come to the view that it is able to continue to offer more than 30 Year R places in September 2025 without severe financial consequences, and therefore to satisfy a number of expressed parental preferences that otherwise are likely to be denied if the PAN is reduced. As a result, I do not approve the requested variation.

## Other matters

31. Having considered the arrangements as a whole it appeared to me that there are matters which may not conform with the requirements of the Code and so I brought them to the attention of the admission authority. I note here that the LA is the admission authority for eight other community primary or infant schools to which the same arrangements apply. The matters of concern are (paragraphs of the Code are indicated where relevant):



- (i) The early paragraphs of the arrangements do not make an explicit statement setting out the procedure which parents who wish to request admission outside a child's normal age group must follow (paragraph 2.18 of the Code).
- (ii) Paragraph 1.3 of the arrangements refers to "requests" which parents may make concerning deferred or part-time admission of children into Reception classes. Paragraph 2.17 of the Code confers these matters as rights to parents.

32. Concerning the former, the LA has said that it has a separate policy which details the procedure, which it provided to me. Nevertheless, paragraph 2.18 of the Code is clear when it states: "Admission authorities **must** make clear in their arrangements the process for requesting admission out of the normal age group." Paragraph 12 of the Code also makes it clear that "...where the words '**must**' or '**must not**' are used, these represent a mandatory requirement. A separate policy does not meet the requirements of the Code, and the arrangements fail to meet the requirement of paragraph 2.18.

33. Although the LA has told me that it has never received any complaint about the wording of the arrangements concerning part-time admissions, I am clear that the use of the word "request" does not reflect the right conferred on parents in this matter by paragraph 21.7 of the Code and may be confusing to some parents as a result. Paragraph 2.17 says:

"The authority **must** make it clear in their arrangements that where they have offered a child a place at a school:

- a) that child is entitled to a full-time place in the September following their fourth birthday;
- b) the child's parents can defer the date their child is admitted to the school until later in the school year but not beyond the point at which they reach compulsory school age and not beyond the beginning of the final term of the school year for which it was made; and
- c) where the parents wish, children may attend part-time until later in the school year but not beyond the point at which they reach compulsory school age."

The arrangements fail to comply with what the Code requires.

34. I need briefly to mention the arrangements which the LA has determined for 2026 which I have obtained from its website. The LA has told me that it has mentioned the policy concerning the process for requesting admissions outside the normal year group in these arrangements, which I confirm. However, this still fails to meet the requirements of the Code, for the reasons I have given above. The 2026 arrangements contain the same wording as the 2025 arrangements concerning part-time admissions.



35. I have explained above that when the school converts to Academy status, it retains the previously determined admission arrangements for the predecessor school. It will therefore be incumbent on the Warrington Primary Academy Trust to have regard to the contents of this determination when it becomes the school's admission authority on 1 April 2025.

## Determination

36. In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by Warrington Borough Council for Callands Community Primary School, for September 2025.
37. I determine that for admission in 2025/26 the PAN for Year R shall remain at 60.
38. I have also considered the arrangements under section 88I(5) and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.
39. 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 its admission arrangements within two months of this determination, unless an alternative timescale is specified by the schools adjudicator. In this case, it will be incumbent on the Warrington Primary Academy Trust to revise the arrangements for the school within this time scale, and for Warrington Borough Council to revise the arrangements for the schools for which it remains the admission authority, also within the same time scale.

Date: 28 March 2025

Signed:

Schools Adjudicator: Dr Bryan Slater