



## **DETERMINATION**

**Case reference:** VAR800

**Admission Authority:** Hertfordshire County Council for Shepherd Primary School, Rickmansworth, Hertfordshire

**Date of decision:** 26 February 2019

### **Determination**

**In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Hertfordshire County Council for Shepherd Primary School, Hertfordshire.**

**I determine that for admissions in September 2019 the published admission number shall be 30.**

### **The referral**

1. Hertfordshire County Council, as the local authority, has referred a variation to the Adjudicator about the admission arrangements for Shepherd Primary School (the school), a community school for September 2019. The variation requested is a reduction in the school's published admission number (PAN) to reflect a fall in the projected pupil numbers in the area for September 2019.

### **Jurisdiction**

2. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which states that:

*"Where an admission authority (a) have in accordance with section 88C determined the admission arrangements which are to apply for a particular school year, but (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in circumstances occurring since they were so determined, the authority must [except in a case where the authority's proposed variations fall within any description of variations prescribed for the purposes of this section] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations".*

I am satisfied that the proposed variation is within my jurisdiction.

## **Procedure**

3. In considering this matter I have had regard to all relevant legislation, and the School Admissions Code (the Code).
4. The documents I have considered in reaching my decision include:
  - the referral form the local authority dated 30 November 2018 and supporting documents;
  - the determined arrangements for September 2019 and the proposed variation to those arrangements;
  - a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2019;
  - confirmation from the headteacher and chair of governors that the governing board is in agreement with the proposed variation;
  - a map showing the location of the school and other relevant schools; and
  - a copy of the email notifying the appropriate bodies about the proposed variation.

## **The proposed variation**

5. The school is a community primary school for pupils aged three to eleven years maintained by Hertfordshire County Council. It is a mixed school situated in the Rickmansworth area of Hertfordshire. The local authority is seeking the approval of the Adjudicator to reduce the school's PAN for Reception (YR) from 60 places to 30 for admission to the school in September 2019.

## **Consideration of the case**

6. On 19 February 2018 the local authority determined its admission arrangements for the 2019/20 academic year, including the PAN for each community and voluntary controlled school in Hertfordshire. This included the PAN for Shepherd Primary School, which was set at 60.
7. The local authority reports that the school's PAN was increased from 30 to 60 in September 2013 in order to meet an anticipated increase in demand for places within the local area. The authority's predicted numbers had indicated a shortfall of YR places from September 2013 onwards. However, year on year, the number of places predicted to be needed has been higher than the actual number of places required. I have set out below the table submitted by the authority. It is apparent from the information in the table that there has never been a year when 60 places have been allocated at the school, although it is also apparent that the number of places allocated has always exceeded 30.

	Admission number	Number allocated	Number of applications	Number of appeals
2011/2012	30	25	57	0
2012/2013	30	39	39	0
2013/2014	60	53	72	0
2014/2015	60	40	52	0
2015/2016	60	65	83	0
2016/2017	60	41	74	0
2017/2018	60	53	85	0

8. The school is clearly not filling to capacity. According to the local authority, on the October 2018 Census day at the beginning of the 2018/19 academic year there were 31 children on roll in YR. The authority has therefore formed the view that the school is closer to running a single class rather than two. Several other schools in the local area are also not filling to capacity. The authority considers that reducing the school's PAN to 30 would help to populate these other local schools and allow the Shepherd Primary School to run a single class in each year rather than struggle to run two, which has caused financial difficulties. The authority states that the school is "*not financially viable*" if it continues with a PAN of 60 when significantly fewer than 60 children are admitted. The local authority considers that the model of spreading 31 pupils across two classes is not a financial model which can continue. It is the authority's view that, without a reduction in PAN, the school will be unable to balance its budget going forward.
9. Accordingly, recognising the budget difficulties for the school, the local authority and the school's governing board agreed that the authority would seek the approval of the Adjudicator for an In Year Variation to reduce the school's PAN from 60 to 30 for the admission year 2019/20. The local authority had already agreed to consult on proposals to reduce the school's PAN for 2020/21 and, indeed, has informed me that the arrangements for 2020 have now been determined with a PAN of 30. However, the authority's view is that it is clear that a PAN reduction from 60 to 30 will also be needed for admissions in September 2019. The authority's future pupil projections for the area do not require the school to have a PAN of 60. The authority says that other schools in the area are likely to welcome the PAN reduction because it will reduce surplus capacity in other schools.
10. The authority notified relevant bodies likely to be affected by the proposed PAN reduction on 30 November 2018. Responses were received from three local schools, all of which supported the proposed PAN reduction. A response dated 30 November 2018 from St Mary's Church of England School stated that this particular school has 18 children in YR and 15 in nursery and is situated 1.013 miles from Shepherd Primary. A response from Maple Cross School dated 30 November 2018 stated that this school

has low numbers in all year groups except Y6 and “loses” pupils to Shepherd Primary. Maple Cross “would be keen to include these pupils to ensure that [it] can be viable for all classes”. The Response also stated that Maple Cross is located three miles from the school. A response from St Peter’s VA Primary School dated 3 December 2018 simply confirmed support for the proposal.

11. The local authority produced a helpful table, which I have copied below. The table shows that all the schools which responded currently have surplus places.

<b>Name and type of School</b>	<b>Admission number</b>	<b>Number admitted at the beginning of the current school year</b>	<b>Was the school consulted on the arrangements</b>	<b>If so, did it respond? (please attach a copy)</b>
St Peter’s CofE VA Primary School	30	24	Yes	No
St John’s Catholic Primary School (Mill End)	30	29	Yes	No
Arnett Hills JMI School	30	30	Yes	No
Chorleywood Primary School	30	30	Yes	No
Rickmansworth Park JMI School	30	30	Yes	No
Maple Cross JMI School	30	18	Yes	No
St Mary’s CofE Primary (Rickmansworth)	30	17	Yes	No
Christ Church Chorleywood CofE School	30	30	Yes	No
The Russell School	30	25	Yes	No
Harvey Road Primary School	30	30	Yes	No

12. The Rickmansworth Primary Planning Area is said to include Rickmansworth, Chorley Wood and Croxley Green. The figures for the allocations and predicted allocations for the schools in this Area are set out in the tables below.

20.4		Rickmansworth							
School Code	School Name	No of places	Actuals			Forecast			
			2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
2022	Shepherd Primary	60	48	43	45				
2308	Maple Cross Junior Mixed Infant and Nursery School	30	30	19	29				
2379	Rickmansworth Park Junior Mixed and Infant School	30	28	30	30				
3359	St Mary's Church of England Primary School, Rickmansworth	30	30	28	30				
3360	St Peter's Church of England Voluntary Aided Primary School	30	30	29	30				
3398	St John Catholic Primary School	30	22	30	30				
<b>Total Year R Pupil Demand</b>			<b>188</b>	<b>179</b>	<b>194</b>	<b>165</b>	<b>198</b>	<b>194</b>	<b>205</b>
<b>Total Year R Places Available</b>		<b>210</b>				<b>210</b>	<b>210</b>	<b>210</b>	<b>210</b>
<b>Surplus or Shortage of Year R Places (No.)</b>						<b>45</b>	<b>12</b>	<b>16</b>	<b>5</b>
<b>Surplus or Shortage of Year R Places (%)</b>						<b>21.4%</b>	<b>5.7%</b>	<b>7.6%</b>	<b>2.4%</b>
<b>Surplus or Shortage of Year R Places (FE)</b>						<b>1.5</b>	<b>0.4</b>	<b>0.5</b>	<b>0.2</b>

20.3		Croxley Green							
School Code	School Name	No of places	Actuals			Forecast			
			2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
2079	Yorke Mead Primary School	60	60	59	59				
2082	Harvey Road Primary School	30	31	29	30				
2084	Malvern Way Infant and Nursery School	90	90	90	89				
<b>Total Year R Pupil Demand</b>			<b>181</b>	<b>178</b>	<b>178</b>	<b>167</b>	<b>175</b>	<b>157</b>	<b>167</b>
<b>Total Year R Places Available</b>		<b>180</b>				<b>180</b>	<b>180</b>	<b>180</b>	<b>180</b>
<b>Surplus or Shortage of Year R Places (No.)</b>						<b>13</b>	<b>5</b>	<b>23</b>	<b>13</b>
<b>Surplus or Shortage of Year R Places (%)</b>						<b>7.2%</b>	<b>2.8%</b>	<b>12.8%</b>	<b>7.2%</b>
<b>Surplus or Shortage of Year R Places (FE)</b>						<b>0.4</b>	<b>0.2</b>	<b>0.8</b>	<b>0.4</b>

20.2		Chorleywood							
School Code	School Name	No of places	Actuals			Forecast			
			2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
2019	Chorleywood Primary School	30	30	27	30				
2025	The Russell School	30	31	23	30				
2348	Arnett Hills Junior Mixed and Infant School	30	26	30	30				
5201	Christ Church Church of England School	30	30	30	30				
<b>Total Year R Pupil Demand</b>			<b>117</b>	<b>110</b>	<b>120</b>	<b>96</b>	<b>117</b>	<b>110</b>	<b>114</b>
<b>Total Year R Places Available</b>		<b>120</b>				<b>120</b>	<b>120</b>	<b>120</b>	<b>120</b>
<b>Surplus or Shortage of Year R Places (No.)</b>						<b>24</b>	<b>3</b>	<b>10</b>	<b>6</b>
<b>Surplus or Shortage of Year R Places (%)</b>						<b>20.0%</b>	<b>2.5%</b>	<b>8.3%</b>	<b>5.0%</b>
<b>Surplus or Shortage of Year R Places (FE)</b>						<b>0.8</b>	<b>0.1</b>	<b>0.3</b>	<b>0.2</b>

13. The tables show that there are six primary schools in Rickmansworth: Shepherd Primary, Maple Cross JMI, St Mary's Church of England, Rickmansworth Park JMI, St Peter's Church of England VA Primary and St John's Catholic Primary. The first table shows a predicted surplus of 12 places across these schools for the admission year 2019/20. The second table shows a surplus of five places in the Croxley Green area, and the third table shows a surplus of three places in the Chorley Wood area. This is a total of 20 surplus places altogether. However, this is on the basis of Shepherd Primary having a PAN of 60. If the PAN were reduced to 30, this would leave a predicted shortfall of 10 places across the Rickmansworth Primary Planning Area

14. I asked the local authority's representative whether I could be provided with a breakdown of the predicted allocations for each individual school for the admission year 2019/20, but was informed that this information is only compiled for the Rickmansworth area as a whole. The local authority's representative explained that there is cross-flow in and out of

Rickmansworth schools to schools in Chorley Wood and Croxley Green but also to schools in the Watford Central area and Sarratt School (16 primary schools in total).

15. The tables set out below shows the predicted allocations for the Watford Central area and Sarratt.

21.5 Watford Central									
School Code	School Name	No of places	Actuals			Forecast			
			2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
2043	Ascot Road Community Free School	60	53	59	59				
2051	Watford St John's CofE Primary School	60	0	30	26				
2116	Central Primary School	60	61	55	61				
2122	Chater Infant School	60	60	60	60				
2124	Watford Field School (Infant & Nursery)	60	60	86	56				
2349	Holywell Primary School	90	80	70	49				
2398	Laurance Haines School	60	60	59	58				
3428	St Anthony's Catholic Primary School	60	60	60	60				
<b>Total Year R Pupil Demand</b>			<b>434</b>	<b>479</b>	<b>429</b>	<b>494</b>	<b>487</b>	<b>493</b>	<b>458</b>
<b>Total Year R Places Available</b>		<b>510</b>				<b>510</b>	<b>510</b>	<b>510</b>	<b>510</b>
<b>Surplus or Shortage of Year R Places (No.)</b>						<b>16</b>	<b>23</b>	<b>17</b>	<b>52</b>
<b>Surplus or Shortage of Year R Places (%)</b>						<b>3.1%</b>	<b>4.5%</b>	<b>3.3%</b>	<b>10.2%</b>
<b>Surplus or Shortage of Year R Places (FE)</b>						<b>0.5</b>	<b>0.8</b>	<b>0.6</b>	<b>1.7</b>

20.1 Sarratt									
School Code	School Name	No of places	Actuals			Forecast			
			2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
3037	Sarratt Church of England Primary School	26	18	24	23				
<b>Total Year R Pupil Demand</b>			<b>18</b>	<b>24</b>	<b>23</b>	<b>17</b>	<b>20</b>	<b>21</b>	<b>21</b>
<b>Total Year R Places Available</b>		<b>26</b>				<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>
<b>Surplus or Shortage of Year R Places (No.)</b>						<b>9</b>	<b>6</b>	<b>5</b>	<b>5</b>
<b>Surplus or Shortage of Year R Places (%)</b>						<b>34.6%</b>	<b>23.1%</b>	<b>19.2%</b>	<b>19.2%</b>
<b>Surplus or Shortage of Year R Places (FE)</b>						<b>0.3</b>	<b>0.2</b>	<b>0.2</b>	<b>0.2</b>

16. In summary, what these tables show is that surplus places for the admission year 2019/20 across the schools in these areas are predicted to be as follows:

- Chorley Wood 3 surplus places
- Croxley Green 5 surplus places
- Watford Central 23 surplus places
- Sarratt 6 surplus places.

17. From the map provided, it seemed to me that Croxley Green and Chorley Wood (at a push) could be considered reasonably close to the area in which Shepherd Primary School is situated, but there are only predicted to be 8 surplus places in these two areas. Some of the primary schools in the Watford Central area seemed quite a distance away from the location of the school and were not on the map provided. I could not see Sarratt School on the map. I explained my concerns to the local authority's representative, and was sent further information on 15 January 2019. I have set this out in full.

## **“Shepherd Primary School, Mill End**

*Forecasts – the forecast methodology used by HCC takes into account the pattern of child migration for the past three years. Therefore the current forecast for the Rickmansworth primary planning area will take into account the number of pupils that have been allocated places from outside the area as well as GP registrations for children in the area and any approved housing development.*

*The data below is from national allocation day 2016-2018. It illustrates the fact that Shepherd school is able to accommodate those who live “nearest” the school and who wish to attend the school.*

### **September 2016 Allocations**

#### Allocations to Shepherd

- 41 children were allocated places at Shepherd
  - 27 children had Shepherd as their nearest school
    - 15 of these children ranked Shepherd first
    - 12 ranked other schools first
  - 14 children lived closer to other schools in the local area
    - 8 of these children ranked Shepherd first

#### Allocations for children living in Rickmansworth/Maple Cross for whom Shepherd, Maple Cross or Rickmansworth Park is the “nearest”\* school

- 170 Reception applications were received from children who had one of these 3 schools as their “nearest”
- 86 Reception applications were received from children who had Shepherd as their “nearest” school
  - 27 ranked Shepherd (15 first) and were allocated.
  - 59 ranked other schools first
    - 50 were allocated their first preference

*Nearest – HCC’s definition of “nearest” school for admission allocation purposes excludes schools that allocate places on the basis of faith. These figures have been included as a direct comparator to the parish based figures*

#### The parish of Rickmansworth/Mill End

- 214 Reception applications were received from children living in the parish
  - 153 children from the parish were allocated places at one of the 6 schools in the primary planning area
  - 61 children (28%) were allocated places at schools outside the parish
- 178 places were allocated at the 6 schools in the parish on NOD
  - 25 places were allocated to children living outside the parish

*By the January 2017 census 179 pupils were on roll at the 6 schools, 7 fewer than the number forecast.*

At Shepherd school 43 pupils remained on roll, the same as initially allocated.

### **September 2017 Allocations**

#### Allocations to Shepherd

- 53 children were allocated places at Shepherd
  - 29 children had Shepherd as their nearest school
    - 23 of these children ranked Shepherd first
    - 6 ranked other schools first
  - 24 children lived closer to other schools in the local area
    - 15 of these children ranked Shepherd first

#### Allocations for children living in Rickmansworth/Maple Cross for whom Shepherd, Maple Cross or Rickmansworth Park is the “nearest”\* school

- 180 Reception applications were received from children who had one of these 3 schools as their “nearest”
- 91 Reception applications were received from children who had Shepherd as their “nearest” school
  - 28 ranked Shepherd (22 first) and were allocated.
  - 68 ranked other schools first
    - 46 were allocated their first preference

Nearest – HCC’s definition of “nearest” school for admission allocation purposes excludes schools that allocate places on the basis of faith (there are three faith schools in this planning area). These figures have been included as a direct comparator to the parish based figures

#### The parish of Rickmansworth/Mill End

- 247 Reception applications were received from children living in the parish
  - 175 children from the parish were allocated places at one of the 6 schools in the primary planning area
  - 72 children (29%) were allocated places at schools outside the parish
- 202 places were allocated at the 6 schools in the parish on NOD
  - 27 places were allocated to children living outside the parish

By the January 2018 census 194 pupils were on roll at the 6 schools, 2 fewer the number forecast.

At Shepherd school 45 pupils remained on roll compared to the 53 initially allocated

### **September 2018 Allocations**

#### Allocations to Shepherd

- 35 children were allocated places at Shepherd
  - 23 of these children had Shepherd as their nearest school
    - 22 of these children ranked Shepherd first
    - 13 ranked other schools first
  - 12 children lived closer to other non-faith schools in the local area
    - 9 of these children ranked Shepherd first



Allocations for children living in Rickmansworth/Maple Cross for whom Shepherd, Maple Cross or Rickmansworth Park is the “nearest”\* school

- 147 Reception applications were received from children who had one of these 3 schools as their “nearest”
- 69 Reception applications were received from children who had Shepherd as their “nearest” school
  - 23 ranked Shepherd (22 first) and were allocated.
  - 46 ranked other schools first
    - 44 were allocated their first preference

Nearest – HCC’s definition of “nearest” school for admission allocation purposes excludes schools that allocate places on the basis of faith (there are three faith schools in this planning area). These figures have been included as a direct comparator to the parish based figures

The parish of Rickmansworth/Mill End

- 180 Reception applications were received from children living in the parish
  - 129 children from the parish were allocated places at one of the 6 schools in the primary planning area
  - 51 children (28%) were allocated places at schools outside the parish
    - 47 were allocated their first preference
- 151 places were allocated at the 6 schools in the parish on NOD
  - 22 places were allocated to children living outside the parish

On the October 2018 census, 151 pupils were on roll at the 6 schools, 22 fewer than forecast.

At Shepherd school, 31 pupils remained on roll compared to the 35 initially allocated.

**Forecast vs Actual Pupil Numbers**

The table below shows the pupil forecast that informed school place planning for the following year’s admission round (i.e. the summer 2017 forecast for the 2018 admission round). In the last three years the forecast has been higher than the actual pupils on roll in the relevant academic year; in the 2018 intake there is a 14% difference between actual pupil numbers and the number of pupils forecast the previous year.

### Historic Forecast

School Name	School Census - Reception			
	2015/16	2016/17	2017/18	2018/19
	Spring 16	Spring 17	Spring 18	Autumn 18
Shepherd Primary School	48	43	45	31
Maple Cross JMI School	30	19	29	18
Rickmansworth Park JMI School	28	30	30	30
St Mary's CofE. Primary School	30	28	30	19
St Peter's Primary School	30	29	30	24
St. John's Catholic Primary School	22	30	30	29
<b>TOTAL</b>	<b>188</b>	<b>179</b>	<b>194</b>	<b>151</b>
<b>FORECAST</b>	<b>187</b>	<b>186</b>	<b>196</b>	<b>173</b>
<b>GP DATA</b>	<b>194</b>	<b>184</b>	<b>236</b>	<b>192</b>
Difference % between F/C and GP Data	3.75	1	20.4	11
Difference % between Total School Census and GP Data	3.2	5.75	23.5	27.15

### Current Forecast

20.4		Rickmansworth							
School Code	School Name	No of places	Actuals			Forecast			
			2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
2022	Shepherd Primary	60	48	43	45				
2308	Maple Cross Junior Mixed Infant and Nursery School	30	30	19	29				
2379	Rickmansworth Park Junior Mixed and Infant School	30	28	30	30				
3359	St Mary's Church of England Primary School, Rickmansworth	30	30	28	30				
3360	St Peter's Church of England Voluntary Aided Primary School	30	30	29	30				
3398	St John Catholic Primary School	30	22	30	30				
<b>Total Year R Pupil Demand</b>			<b>188</b>	<b>179</b>	<b>194</b>	<b>165</b>	<b>198</b>	<b>194</b>	<b>205</b>
<b>Total Year R Places Available</b>		<b>210</b>				<b>210</b>	<b>210</b>	<b>210</b>	<b>210</b>
<b>Surplus or Shortage of Year R Places (No.)</b>						<b>45</b>	<b>12</b>	<b>16</b>	<b>5</b>
<b>Surplus or Shortage of Year R Places (%)</b>						<b>21.4%</b>	<b>5.7%</b>	<b>7.6%</b>	<b>2.4%</b>
<b>Surplus or Shortage of Year R Places (FE)</b>						<b>1.5</b>	<b>0.4</b>	<b>0.5</b>	<b>0.2</b>

*This discrepancy in the forecast (i.e. over forecasting) can again be illustrated by comparing the most recent forecast (summer 2018) to current pupil numbers. Although the forecast for the planning area reduced between 2017 and 2018 (from 173 to 165) it was still significantly higher than the current number of pupils on roll, as illustrated in the table below.*

### Current Pupil Numbers

	Shepherd	Rick. Park	Maple X	St John's	St Peter's	St Mary's	Total NOR	Vacancies
<b>Reception</b>	32	30	18	28	26	19	153	57
<b>1</b>	47	30	27	30	30	30	194	16
<b>2</b>	45	30	19	30	29	30	183	27
<b>3</b>	15	29	27	31	27	32	161	49
<b>4</b>	36	29	19	31	27	24	166	44
<b>4</b>	44	30	28	30	29	30	191	19
<b>6</b>	31	29	31	30	31	30	182	28

18. It is apparent that, in proposing a PAN of 30 for the admission year 2019/20 the local authority has considered carefully the evidence of past applications as well as the application numbers predicted. It is also apparent that, in deciding whether to propose a PAN reduction, the authority focused upon whether parents for whom the school is their nearest school and who expressed a preference for the school would be offered a place. The historical data shows that the number of places allocated to children for whom this is the case has always been less than 30. The figures overall indicate that, if the PAN for the school is reduced to 30, the local authority would have sufficient places over the area as a whole. It is also true that, in the last three years the forecasts have been higher than the actual pupils on roll in the relevant academic year. Nevertheless I remained concerned that it appeared to be possible that some children in the Rickmansworth area might have to travel long distances to school if the PAN for Shepherd Primary School were reduced.
19. As mentioned above, the local authority has explained to me that it is unable to tell me which primary schools in the Watford Central area are predicted to have surplus places, but the information I had been provided with did not tell me whether children living in the area of Shepherd Primary School would be able to walk to schools in Croxley Green and Chorley Wood – and more particularly how they would get to the schools in the Watford Central area and Sarratt School. I asked whether the local authority would provide transport, and whether there are accessible public transport links.
20. I received a reply on 21 January 2019 which said that the autumn 2018 census figures for the primary school in the Watford Central area are shown in the table below that there were 38 vacancies at the time of the 2018 Census.

School	R
Ascot Road Community Free School	47
Watford St John's Church of England Primary	60
Central Primary School	59
Chater Junior School	
Chater Infant School	60
Field JM School	
Watford Field School Infant and Nursery	60
Holywell Primary School	37
Laurance Haines School	59
St. Anthony's Catholic Primary School	60
TOTAL	442

It was said that “*The current and expected future vacancies in Watford are concentrated in two schools. Holywell is one of the “closest” schools in Watford to the Rickmansworth area at a distance of 4.03miles (walking route) and currently has 23 vacancies*”. The other school with vacancies

appears to be Ascot Road Community Free School, which presumably is further away. The local authority confirmed that the three schools in Chorleywood are between 1.58 and 2.32 miles, from Shepherd School (walking route), and that currently both The Russell School and Yorke Mead school (in the Croxley Green area) have 5 vacancies at distances of 2.32 miles and 3.06 miles respectively.

21. The local authority also said: *“If local demand in Rickmansworth exceeds capacity in September 2019 (assuming Shepherd’s PAN has been reduced) the LA will consider two options, depending upon the potential number of children without a local school place:*

- *Ask Shepherd to take above PAN (this option has already been discussed and agreed with the school)*
- *Offer children “non-ranked allocations” outside the immediate local area. Although this is never an ideal or popular choice sometimes it is the only real alternative if only a “handful” of children are involved.*

*Free transport will be offered to any Reception aged child offered a place more than 2 miles from their permanent home address if it is the “nearest” suitable school with vacancies. Transport for children of this age is normally provided in a taxi or small vehicle because the children are too young to travel unaccompanied.*

*This is a residential/urban area with good public transport and there are a number of direct bus routes from Rickmansworth to Croxley Green, Chorleywood and Watford. From Shepherd School it is approximately a 45-50 minute journey to Holywell, including walking time at both ends. From Shepherd to Rickmansworth it is 10-20 minutes by bus, and Croxley Green 30-40 minutes”.*

22. On receipt of this information, I remained concerned about the possible effect of the proposed variation on local parents who have expressed a preference for the school in good faith, particularly in light of the proposal that parents be offered “non-ranked allocations” outside the immediate area, and the journey times to Holywell and Croxley Green. I therefore wrote again to the local authority requesting the preferences for the school in September 2019. I also asked for an assurance that no child living in the Rickmansworth area would have to be transported out of their local area, i.e. they will have a place within reasonable walking distance.

23. The local authority replied on 11 February 2019, which provided the preferences for September 2019 as follows:

Preference 1	20 (including 10 siblings)
Preference 2	21
Preference 3	12
Preference 4	12
Late Preference 1	2 (including 1 sibling)
<b>Total</b>	<b>67</b>

The authority's representative also said: *"I hope the Adjudicator will understand that, at this stage of the allocation process, I am unable to give any firm guarantees or reassurances about the position on allocation day. We have not yet finished exchanging application files with surrounding authorities so do not yet have a complete picture.*

*However, given the preference information it seems likely (in comparison with previous years) that parents that have expressed a preference for Shepherd will be successful in obtaining that preference or a preference for a higher ranked school. I cannot give any guarantees about children being transported out of the area. Our decisions will be based on likely numbers - we would not for example ask Shepherd, or any other school, to "expand" for a handful of children that would not make a class financially viable but, we could potentially over allocate, with the expectation that numbers will return to 30 through the continuing interest process. Similarly, if it was necessary to allocate a child out of area and provide free transport, we would seek to reallocate a local school through the CI process (whether or not the local school was one of preference)."*

24. In order to approve an application for a variation, I must be satisfied that the proposed variation is necessary in order to deal with the major change in circumstances identified by the admission authority which has occurred since the admission arrangements for the school were determined. From the information provided, I am satisfied that the school is experiencing financial difficulties which have arisen due to its operating on the basis of never having admitted up to a PAN of 60. There are particular difficulties for this current year with the school only having 31 children on roll in YR, and these have come about since the PAN for the school was set for the admission year 2019/20.
25. The governing board of the school and the local authority have agreed that it is necessary to reduce the school's PAN, and the authority's representative has assured me that there are no reasonable alternative methods of alleviating the school's predicted budget deficit other than the proposed PAN reduction. It does appear, from the information I have been sent, that a PAN of 30 should be sufficient to meet the preferences of applicants in the local area for whom Shepherd is their closest school.
26. I was concerned that, following the proposed PAN reduction and ensuing shortfall of available places in the Rickmansworth area for the admissions year 2019/20, children would have to travel long distances to school. The local authority has assured me that, if the school's PAN is reduced and this leads to a situation in which local demand in Rickmansworth exceeds capacity, the authority will consider either increasing the PAN for Shepherd or offering "*non-ranked allocations*" outside the immediate local area. I have been told that the governing board of the school has agreed to admit above PAN if necessary.
27. The authority has also assured me that free transport will be offered to any Reception aged child offered a place more than two miles from their

permanent home address if the school is the “nearest” suitable school with vacancies. Transport for children of this age is normally provided in a taxi or small vehicle because the children are too young to travel unaccompanied. The fact that the local authority has given these assurances leads me to believe that the authority considers that local demand can be met if the school’s PAN is reduced and that, if this transpires not to be the case, the authority will take appropriate steps to redress this or provide suitable transport to ensure that children do not have long and difficult journeys to school each day.

28. The authority has also said that it seems likely that parents who have expressed a preference for Shepherd will be successful in obtaining a place at the school or at a school for which they have expressed a higher preference. From the information provided by the local authority, I have concluded that the proposed variation is necessary to address the major change in circumstances identified by the authority. Whilst the authority is not able to assure me at this stage in the admissions process that no children will have to be transported outside their local area, I believe that it does not envisage that this will be necessary and will take all reasonable steps to ensure that this will not happen. I am grateful to the authority’s representative for the detail and frankness of the responses to my questions.

## **Summary**

29. The local authority has identified a major change in circumstances which has arisen since the PAN for the school was set for admission year 2019/20, therefore the grounds in section 88E of the Act for proposing a variation are met. The local authority has assured me that the proposed PAN reduction is the only means of alleviating the school’s budget deficit. The evidence produced by the authority shows that it is likely that there will be a maximum of 30 applicants from the local area who will express a preference for the school and for whom it is the closest school. If the proposed PAN reduction leads to a situation in which there are insufficient places in the Rickmansworth area to meet local demand, the authority will ensure either that parents will be offered a place for their child at the school (by admitting over PAN), or that places are allocated outside the immediate local area with appropriate transport being provided in the case of journeys exceeding two miles. On this basis I approve the variation requested.

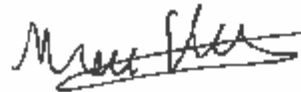
## **Determination**

30. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variations to the admission arrangements determined by Hertfordshire County Council for Shepherd Primary School, Hertfordshire.

I determine that for admissions in September 2019 the published admission number shall be 30.

Dated: 26 February 2019

Signed:

A handwritten signature in black ink, appearing to read "Marisa Vallely", written over a horizontal line.

Schools Adjudicator: Marisa Vallely