



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2179

Admission authority: The Governing Board of Archbishop Sumner C of E Primary School, London Borough of Lambeth.

Date of decision: 27 August 2021

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the governing board for Archbishop Sumner C of E Primary School, London Borough of Lambeth.

I determine that for admissions in September 2022 the Published Admission Number will be 30.

In addition, I determine that for admission in September 2022 the faith-based oversubscription criteria will be as described in this determination.

The referral

1. The chair of the governing board, on behalf of the governing board, has referred to the Adjudicator a proposed variation to the admission arrangements for admissions in 2022 for Archbishop Sumner C of E Primary School (the school). The school is a 3 to 11 primary school in the London Borough of Lambeth and is within the Church of England Diocese of Southwark (the Diocese); it is a voluntary aided school. The local authority is the London Borough of Lambeth and the Service Manager for school admission and child employment for the authority reports that the local authority is fully aware of the proposed variation, is fully supportive of the school's proposals and has assisted the school in preparing the variation request. The referral requests a reduction in the Published Admission Number (PAN) from 60 to 30 for admissions in September 2022. In addition, the school proposes a variation which makes changes to the faith-based oversubscription criteria and is made in the light of the Covid-19 pandemic.

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

Procedure

4. In considering this matter, I have had regard to all relevant legislation, guidance and the School Admissions Code.
5. The documents I have considered in reaching my decision include:
 - a) the chair of the governing board’s referral dated 22 July 2021;
 - b) minutes of the governing board meeting of 26 November 2020 at which the admission arrangements were determined;
 - c) minutes of the governing board meetings of 14 June 2021 and 1 July 2021 at which the variation was discussed;
 - d) a note from the local authority confirming that it is in agreement with the variation request;
 - e) the determined arrangements for admission in 2022 for the school;
 - f) details of notifications sent to appropriate bodies concerning the variation request;
 - g) comments from the school and the local authority concerning the variation request and subsequent correspondence; and
 - h) a copy of the local authority’s booklet for parents seeking admission to schools in the area in September 2021.

The proposed variation

6. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be changed, that is 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.

7. Paragraph 3.6 of the Code also requires that the appropriate bodies in the relevant area be notified of proposed variations. I have seen evidence that all appropriate bodies have been notified of this variation. I have also seen confirmation from both the school's governing board and the local authority that the request for the variation is supported.

Consideration of proposed variation

8. The admission arrangements for admission in September 2022 were determined by the governing board on 26 November 2020 and published on the local authority's and the school's websites. These arrangements include a PAN of 60. This is the same PAN as in previous years. At the school's governing board meeting on 14 June 2021 the PAN was discussed in view of falling rolls in the school. The governors voted unanimously for the request to vary the PAN to 30 from September 2022. The chair of the governing board submitted the variation request to the OSA on 22 July 2021.

9. A reduction in numbers of applications and the need to vacate the reception classrooms has led to the variation request. The referral explains that there have been significant changes in the demographics of the area, and this is being felt by all local schools. Applications have been well below the council's projections based on number of births in the area. The local authority predicted an intake of 56 in 2021 and 41 in 2022. However only 38 places were offered for admission in September 2021 and the school and the local authority agree that the predicted figure for 2022 may also be unrealistically high. The chair of the governing board suggests that the reduction in applications is due to families in the area leaving central London or a reduction in European families in the area due to Britain leaving the European Union. The current pandemic exacerbates these uncertainties.

10. When the numbers of offers of places for September 2021 was confirmed in March 2021 by the local authority and this was found to be much lower than was anticipated, the school asked the local authority for predicted numbers for admission in 2022. The local authority's original estimate was that there would be 41 admissions into reception in 2022 but suggested that the figure had been recalculated and showed a drop in projected numbers. The current numbers who have been offered a place in the reception year (YR) in September 2021 now stands at 35.

11. A reduction in PAN for 2022 would allow the school to plan and organise YR in one class of up to 30 pupils. From September 2021 YR will operate as two classes but with only 58 per cent occupancy and this puts significant strain on the school's finances and resources. The school, the Diocese and the local authority believe that the best model going forward would be a PAN of 30 and this would achieve financial sustainability and security.

12. The local authority has provided me with the projected numbers of pupils who may apply for YR in 2022 in all the local schools. These data show that there are 58 fewer pupils who are likely to apply for places than there are places in the area. Both the school and the local authority believe that the predicted number of 41 applications for the 2022 intake is

unlikely to be achieved but even if it was, there are plenty of available places in local schools for any applications over the new requested PAN of 30.

13. The school currently has 389 pupils on roll including 26 in nursery. In the 2020/21 academic year there were 14 classes:

Year Group	Class	Number of pupils	Total pupils in year group
Nursery	1	26	26
Reception	1	30	
	2	28	58
Year one	1	28	
	2	24	52
Year two	1	27	
	2	27	54
Year three	1	27	
	2	27	54
Year four	1	27	
	2	29	56
Year five	1	28	
	2	31	59
Year six	1	30	30
Total on roll 389			

14. In September 2021 the school will be arranged into 15 classes with one nursery class and two classes in all other year groups although the YR cohort will be considerably smaller than other year groups with the current total number being 35.

15. There is a further important factor in my consideration of the requested variation. In August 2022 the school will vacate a site which is adjacent to the school where the two reception classes are currently housed. The school and the local authority agreed in writing on 14 May 2021 that the school would vacate the accommodation in August 2022. This agreement was after the arrangements had been determined for September 2022 and

therefore contributed to the request for a variation.

16. The loss of the two classrooms means that the school's buildings in September 2022 would be unable to accommodate 60 children in YR together with its other pupils. The school plans in due course to refurbish a space in the main building which has been identified as suitable for a class of 30 early years foundation stage pupils to accommodate the YR class.

17. The governing board and the local authority consider it to be financially unviable to plan staffing and accommodation for 60 pupils being admitted in YR when, in reality, the number is likely to be much smaller. In the delegated budget scheme, funds are allocated to the school based on a number of factors. Most important among these factors is the allocation of funds based on actual pupil numbers on roll. A sustainable financial plan based on 60 pupils in a year group where the numbers are actually only 30 or fewer could prove difficult for governors to manage. This situation may render the school's budget financially unviable in the future. The school has considered using mixed age classes to reduce the number of teachers required but says that staffing experience and current high pupil numbers in specific year groups means this is an inappropriate option for the school.

13. The local authority states that the reduction in PAN for YR for the school will not lead to a shortage of school places in the planning area.

14. I accept that the unexpected reduction in the number of applications for YR represents a challenge for the school, but I am concerned that a variation to reduce the PAN based on this circumvents the requirement for a governing board to consult on major changes to the admission arrangements. A change in PAN for admission in 2022 would go forward to 2023 and beyond as part of the admission arrangements if they remain the same and the local community and parents would still not be able to offer responses to the changes. I would not, therefore have approved a variation based on pupil numbers alone. However, the vacating of the current reception building of two classrooms creates a situation in which the school is unable to accommodate two reception classes and combined with the falling demand in my view justifies the proposed variation to reduce the PAN. I therefore approve the variation requested by the school. The PAN for admission to the school in September 2022 will be 30.

15. The second part of the variation request concerns the admission of children whose families regularly attend church. Where the school is oversubscribed priority may be given on the basis of faith. The school's arrangements take account of attendance at places of worship. During the Covid-19 pandemic places of public worship have at some times been closed altogether and at other times not available for public worship or access to such worship has been restricted in the interests of public health. It is against that background that the request for this variation is made. Since the school's oversubscription criteria include attendance at public worship fortnightly over a period of two years prior to application, parents and their children are unable to meet this criterion under the terms of the school's current admissions arrangements. In consequence the proposed variation provides that attendance will only have been required at times when places of public worship are open for such public worship.

16. I approve the request and the admission arrangements will be varied to contain the following note; "In the event that during the period specified for attendance at worship the churches have been closed for public worship and have not provided alternative premises for that worship, the requirements of these admissions arrangements in relation to attendance will only apply to the period when the churches have been available for public worship."

Summary

17. I approve the variation in PAN from 60 to 30 because the accommodation in the school will be reduced by two classrooms in September 2022 and this was not planned for or agreed when the arrangements were determined in November 2020.

18. It is beyond question that the Covid-19 pandemic represents a major change of circumstances. I am satisfied that this element of the proposed variation is a pragmatic and appropriate response. I approve the variation.

Determination

19. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variations to the admission arrangements determined by the governing board for Archbishop Sumner C of E Primary School, London Borough of Lambeth.

20. I determine that for admissions in September 2022 the Published Admission Number will be 30.

21. In addition, I determine that for admission in September 2022 the faith-based oversubscription criteria will be as described in this determination.

Dated: 27 August 2021

Signed:

Schools Adjudicator: Ann Talboys