



## **DETERMINATION**

**Case reference:** VAR810

**Admission Authority:** The governing board for Wood End Infant School, Ealing

**Date of decision:** 15 March 2019

### **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 the governing board for Wood End Infant School, Ealing for September 2019.**

### **The referral**

1. The board of governors of Wood End Infant School (the school) has referred a proposal for a variation to the admission arrangements for the school, for September 2019 to the Office of the Schools Adjudicator. The school is a foundation school for children aged 3 to 7 in Northolt in the local authority area of Ealing (the local authority).
2. The proposed variation is to reduce the published admission number (PAN) from 120 to 60.

### **Jurisdiction**

3. 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”.*

4. No evidence was provided with the application that the arrangements

for the school had been determined by the governing board as required by the School Standards and Framework Act 1998. On 14 February 2019 I received a copy of the minutes of a governing board meeting held on 12 March 2018 which confirmed that the arrangements had been determined by the governing board. Although determination was after the date of 28 February by when arrangement should be determined each year, I am satisfied that the proposed variation is within my jurisdiction.

### **Procedure**

5. In considering this matter I have had regard to all relevant legislation, and the School Admissions Code (the Code).

6. The documents I have considered in reaching my decision include:

- the referral from the board of governors dated 13 December 2018, and supporting documents;
- the determined arrangements for 2019 and the proposed variation to those arrangements;
- the minutes of the meeting of the governing board at which the arrangements were agreed;
- a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2019;
- a map showing the location of the school and other relevant schools;
- a copy of the notification to the appropriate bodies about the proposed variation;
- comments received on the proposed variation from the appropriate bodies; and
- the responses from the governing board and local authority to my enquiries.

### **The proposed variation**

7. The school is situated to the north of the local authority, close to the borders with Harrow, Brent and Ealing. Across the four local authorities there are 37 other primary schools within two miles of the school's address. Two of these schools are immediately adjacent to the school, one being Wood End Academy which takes children from the age of 7 to 11 and the other Greenwood Primary School which takes children from the age of 4 to 11.

8. The request to reduce the PAN from 120 to 60 was submitted alongside similar requests for six other primary schools (five community and one voluntary aided) in Ealing. Together these requests would remove 240 places from the number originally being offered for September 2019 across the local authority area. These seven requests were received on 24

December 2018.

9. The request for this variation said that the major change of circumstances which necessitates this reduction in PAN is “*A larger than expected drop in the number of applications to reception in 2018 due to higher rates of out migration*”.

### **Consideration of the case**

10. The application for a reduction in the PAN said that the problem that was foreseen was “*a higher than necessary level of surplus places in some educational planning areas where supply is predicted to outstrip demand*”. This did not explain to me the specific difficulties which would arise at the school. I therefore sought further information from the governing board.

11. From the further information received from the governing board I understand that the school has not recruited more than 60 children into the reception class in the last two years. In September 2019 these year groups will be Year 1 (57 children) and Year 2 (60 children) each taught in two classes. This complies with infant class size legislation requiring there to be no more than 30 children in a class with one teacher.

12. Based on information from the local authority and the recent pattern of admissions, the governing board is not expecting to recruit more than 60 children in September 2019, but is concerned that if it did, then the requirement to comply with class size legislation would cause it financial difficulties. Reducing the PAN to 60 would in the view of the governing board eliminate this risk because it would only need two reception classes.

13. I note that the governing board discussed the possibility of reducing the PAN in November 2017, but did not proceed to consult on any changes to the arrangements and left them, including the PAN of 120, unchanged when it determined the arrangements in March 2018.

14. On the application form I was told that a class is financially viable once there are 24 children in it. In response to my enquiries the governing board contradicted this statement saying that it needed at least 26 children to create a financially viable class. This figure was based on the annual cost of a teacher, a teaching assistant and a school meal supervisor being £80,620 and the school receiving £3,144 for each child on roll.

15. There is no requirement for children in a class to be all in the same school year group, many primary schools are required to work with mixed year groups and do so very successfully. Infant class size regulations also allow more than 30 children in a class if there is more than one teacher. The governing board did not provide me with any evidence that it had considered alternative class or staffing structures to address the issue, for example, based on the figures supplied by the governing board if 61 children were admitted, then the funding would be available to set up one class of 31 replacing the teaching assistant with a teacher.

16. I asked the governing board to tell me the number of preferences

expressed for the school for September 2019. The figures are shown in the table below. These show that it is possible the school would not reach the intake which it considers necessary to fund two reception classes and other approaches may be needed.

Preference	1st	2nd	3rd	4th	5th	6th
	47	49	34	16	7	4

17. Although it would appear that 60 places would be sufficient to meet all first preferences for the school, it may be necessary to offer places to children for whose parents this was not their first preference because other children had higher priority for places than them at other schools. This leads me to consider the overall need for places in the area.

18. The place planning data supplied with the application stated that the primary schools in the local authority's planning area called "GNP North" had a combined PAN of 450 and that in September 2019 the number of places that would be needed was 419. Clearly reducing the PAN at the school by 60 would mean there would be insufficient places in the area.

19. When I raised this concern with the local authority it said that this figure of 419 "*may be an over projection*". It did not, however, provide me with any revised data. Given that, taken with other proposals, 240 reception class places may be removed across the local authority I sought further information to assure myself that the proposal would not lead to a shortage of places. I have not received this, all I have been told is that the figures I have been given may be wrong.

20. If this was a community or voluntary controlled school where the local authority was the admission authority and would have the power to admit over PAN, or increase the PAN, in future years if places were needed I would be less concerned about the vagueness of the forecast need. However, the school is a foundation school where the governing body is the admission authority. Should I approve the reduction in PAN to 60, then no objection can be made to it remaining at that figure in future years when places could be needed.

## Summary

21. The governing board was aware in November 2017 that the PAN was far higher than the expected number of applicants. It had the opportunity to consult publicly on a reduction before determining the arrangements for 2019. It did not do so.

22. I have received conflicting information about the number of children needed to form a financially viable class. I have received no evidence that the governing board has considered other ways of organising the school other than in classes of up to 30 children in the same year group with one teacher and support staff which could address the financial issues of being

undersubscribed in other ways.

23. Although reducing the PAN to 60 would still allow all first preferences for the school to be met, the information I have been sent about the need for places in the area shows that removing 60 places would lead to a shortage. I have been told that the figures I have been given may be wrong, but not supplied with any revised data.

24. If I approved the reduction in PAN, then as no objection can be brought to a PAN remaining the same in future years, this could result in a shortage of places.

25. For the above reasons I do not approve the proposal to reduce the PAN from 120 to 60.

### **Determination**

26. 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 the governing board for Wood End Infant School, Ealing for September 2019.

Dated: 14 March 2019

Signed:

Schools Adjudicator: Phil Whiffing