



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR807  
**Admission authority:** Ealing Council for Willow Tree Primary School  
**Date of decision:** 20 March 2019

### 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 Ealing Council for Willow Tree Primary School for September 2019.

I determine that for admissions in September 2019 only the Published Admission Number shall be 60.

### The referral

1. Ealing Council (the local authority) has referred a proposal for a variation to the admission arrangements for Willow Tree Primary School (the school), for September 2019 to the Office of the Schools Adjudicator. The school is a community school for children aged 3 to 11.
2. The proposed variation is to reduce the Published Admission Number (PAN) from 90 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. 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 local authority received on 24 December 2018, supporting documents and further information;
  - the determined arrangements for 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;
  - a copy of the letter consulting the governing board of the school and the governing board's comments;
  - a copy of the emails of 19 November 2018 and 1 February 2019 notifying the appropriate bodies about the proposed variation; and
  - the letter from the headteacher of the school copied to the chair of governors and the local authority with comments on the application for a variation.

## The proposed variation

7. The local authority determined the arrangements, including the PAN, for September 2019 for the community schools in the borough on 13 February 2018. The PAN for Willow Tree Primary School was set at 90.
8. The local authority said that there was *“a larger than expected drop in the number of applications to reception in 2018 due to higher rates of out migration. This has contributed to a higher than necessary level of surplus places in some educational planning areas where supply is predicted to outstrip demand.”*
9. The local authority applied for a reduction in the PAN for five community schools, including Willow Tree Primary School, and supported the applications for a reduction in the PAN at two schools which determined their own admission arrangements. The local authority said *“we are proposing to reduce the number of available places at some of the undersubscribed schools. This change seeks to assist the school governing bodies to plan for long-term stability, a consistent structure and a sustainable financial position, providing a secure foundation for high quality educational outcomes for all pupils.”*

## Consideration of the case

10. The school is located in the north of the borough and is one of five schools in the GNP North planning area which admit to Reception Year (YR). The nearest schools are in not only Ealing but also Harrow and Hillingdon. I shall first consider whether the impact of the reduction of places at the school affects the local authority's duty to provide sufficient school places in the area. The total of the PANs for YR at the five schools is currently 450 and the local authority sent me the following information on 1 February 2019 about preferences and allocations.

| School                     | PAN  | PAN  | 1 <sup>st</sup> preferences | 1 <sup>st</sup> preferences | Number allocated in 2018 |
|----------------------------|------|------|-----------------------------|-----------------------------|--------------------------|
|                            | 2018 | 2019 | 2018                        | 2019                        |                          |
| Greenwood Primary School   | 90   | 90   | 60                          | 67                          | 71                       |
| Horsenden Primary School   | 120  | 120  | 93                          | 106                         | 110                      |
| Petts Hill Primary School  | 30   | 30   | 41                          | 59                          | 30                       |
| Willow Tree Primary School | 90   | 90   | 39                          | 50                          | 56                       |
| Wood End Infant School     | 120  | 120  | 47                          | 44                          | 57                       |
| TOTAL                      | 450  | 450  | 380                         | 326                         | 324                      |

11. The figures above show a surplus of 126 places in October 2018, which is 28 per cent of the total available. However, the referral form received on 24 December 2018 said that there were 346 pupils in YR in the GNP North planning area, which would represent a surplus of 23 per cent. I appreciate that numbers on roll can change over time but both figures show a surplus of over 20 per cent in the planning area.

12. I now turn to the information about applications to the school over the last four years:

| September | PAN | Number of first preferences | Number of places allocated | Number of children admitted |
|-----------|-----|-----------------------------|----------------------------|-----------------------------|
| 2018      | 90  | 39                          | 52                         | 67 (NOR January 2019 = 63)  |
| 2017      | 90  | 68                          | 79                         | 87                          |
| 2016      | 90  | 76                          | 90                         | 90                          |
| 2015      | 90  | 89                          | 100 (bulge class)          |                             |

13. The local authority reported that the school had 67 pupils on roll in YR at the October 2018 census and are currently operating with three classes with qualified teachers although they did not receive funding to support the number of teaching staff. *“Across the school their number of children on roll from reception to year 6 has gone down from 625 in October 2017 to 589 in October 2018.”*

14. The school sent me detailed information about the high level of mobility in the area and the impact on pupil numbers. *“Since July 2017 there have been 74 children join the*

school and 104 leave from year groups outside of Reception and Year 6. Of the 104 leavers 74 have either moved abroad (21 pupils) or out of the borough (53 pupils)." The school reports that "local intelligence" suggests two significant factors in this mobility and consequent drop in pupil numbers: changes resulting from a cap on housing benefits where a large number of families have been placed in housing outside the local authority; and the move of some families leaving the UK as a result of Brexit which has affected current and future pupil numbers. The school reported slightly different numbers to those submitted by the local authority telling me that the numbers on roll at the school dropped from 666 in 2017 to 632 in October 2018.

15. The school said that this reduction in pupil numbers led to a reduction in funding of approximately £165,000 which "has significant implications for staffing levels and governors need to be able to plan for this with as much certainty as possible and wish to avoid another year where we have to provide 3 teachers for under 70 children." The school reported on 30 January 2019 that there were indications that there have been 50 first preference applications for YR in September 2019.

16. I am aware that the school is in the same planning area as Wood End Infant School which recently had its application to reduce its PAN turned down (VAR810 Office of the Schools Adjudicator). The first point I want to make is that each case is considered on its own merits in the light of the information provided to the adjudicator in that case. A determination on one case does not affect another, even if there may appear at first glance to be similarities. My second point is that Willow Tree is a community school where the local authority is the admission authority. The local authority can therefore raise the PAN, or admit over it at any time if it needs to. As a foundation school, the governing board of Wood End is responsible for its own admission arrangements. If the governors' application to reduce its PAN by 60 places for 2019 had been approved, the local authority would have no power to make the governing board of Wood End raise its PAN, or admit over it in the future if necessary to meet local need. By contrast, the proposed variation at Willow Tree Primary School is for the PAN to be reduced to 60 for admissions to YR in September 2019, and for it to revert to 90 in September 2020.

## Summary

17. It is clear that pupil numbers have dropped in the local authority and not only has it applied for a reduction in PAN across a number of its schools but also undertaken a statutory consultation to reduce the PANs from September 2020. Willow Tree has requested the reduction in PAN for 2019 only and will therefore revert to a PAN of 90 in 2020. I approve the application to reduce the PAN at this school from 90 to 60.

## Determination

18. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by the London Borough of Ealing for Willow Tree Primary School for September 2019.

19. I determine that for admissions in September 2019 only the Published Admission Number shall be 60.

Dated: 20 March 2019

Signed:

Schools Adjudicator: Lorraine Chapman