



Determination

Case reference: VAR823

Admission authority: London Borough of Southwark for Robert Browning Primary School, Walworth, London

Date of decision: 4 April 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 the London Borough of Southwark for Robert Browning Primary School for September 2019.

I determine that for admissions for the academic year commencing September 2019 the published admission number shall be 30.

The referral

1. The London Borough of Southwark (the local authority) has referred a proposal for a variation to the admission arrangements for Robert Browning Primary School (the school) for September 2019 to the Office of the Schools Adjudicator. The school is a community primary school for children aged 3 to 11 in Camberwell.
2. The proposed variation is that the published admission number (PAN) is reduced from 60 to 30 for admissions in 2019.

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:
 - a. the referral from the local authority received 5 February 2018, supporting documents and further information provided at my request;
 - b. the determined arrangements for 2019 and the proposed variation to those arrangements;
 - c. a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2019;
 - d. evidence that the local authority has consulted the governing board of the school;
 - e. a map showing the location of the school and other relevant schools; and
 - f. a copy of the letter notifying the appropriate bodies about the proposed variation with a summary of the feedback received.

The proposed variation

7. The local authority has proposed variations to the arrangements of ten community primary schools admitting children to reception year (YR) in its area for 2019 and all ten proposals are that the relevant PAN is reduced. This determination is solely for the variation proposed for the school but I have taken into consideration this wider context. The local authority said that the major change in circumstances since the arrangements were determined is that *"In 2018 there was a drop in primary school applications following on from drops in 2016 and 2017."*

8. The local authority said, specifically in relation to this school, that *"Robert Browning's PAN is 60, meaning – at best, they have 2 reception classes of 17/18. This has added to the financial and organisational burden on the school."*

9. Paragraph 3.7 of the Code requires that relevant parties be notified of a proposed variation. The local authority has provided me with a copy of its notification of the proposed variation and information on the schools and other bodies to which the notification was sent. I have seen confirmation from the school that it supports the request for the variation. I am satisfied that all relevant bodies have been notified and that views expressed have been taken into consideration. I find that the appropriate procedures were followed and the relevant parties notified.

Consideration of the case

10. I wished to know that there would be sufficient places for local children if the PAN were reduced at this school. I was also mindful of the proposals to reduce the PANs at another nine community primary schools in the area. I therefore asked the local authority to provide me with information on its school place planning data for primary schools in the local authority area. This included:

- a. the names of the primary schools and their PANs in 2018 and 2019 and the total of the PANs for these years;
- b. the numbers of children admitted to YR in 2016, 2017 and 2018 for each school and in total; and
- c. the forecasts of places which will be required for YR in 2019, 2020 and 2021 and an explanation of how the forecasts provided in the variation request form were arrived at.

11. The local authority provided this information by grouping schools in planning areas which cover smaller geographical parts than the whole local authority. The school is considered in a planning area with a total of 20 schools (the planning area) admitting children to YR. The proposal to reduce the PAN of the school is one of two proposals to reduce the PANs of the community primary schools in the planning area. Table 1 shows the sum of the PANs of the 20 schools in the planning area, the number of children admitted in previous years, the surplus number of places in YR in each of the years 2015 to 2018 and the level of surplus places as a percentage of the total number of places. Table 1 shows a trend for an increasing number of surplus places in YR between January 2016 and January 2019.

Table 1: information on the numbers of pupils in YR in the planning area between 2015 and 2018 compared to the sum of the relevant PANs as previously set

| Date of census | Sum of PANs of the schools in the planning area | Number of children admitted to YR in the schools | The difference between the sum of the PANs and the number of children (the number of surplus places) | The level of surplus places shown as a percentage |
|----------------|---|--|--|---|
| January 2016 | 900 | 812 | 88 | 9.7 |
| January 2017 | 945 | 740 | 205 | 21.7 |
| January 2018 | 945 | 719 | 226 | 23.9 |
| January 2019 | 945 | 660 | 285 | 30.1 |

12. My consideration is for September 2019 and the future. This is addressed in Table 2 based on information provided by the local authority which shows the forecast of the number of children seeking a place in YR in the planning area. I have compared this with the sum of the proposed PANs, including the other school for which a reduction in the PAN is proposed. The proposed variation for the school is a reduction of 30 places. The other proposed variation is for a reduction of 30 places so for the two schools this totals a reduction overall of 60 places. In other words, the total of the determined PANs in the planning area was 945 for September 2019 and the local authority, by requesting variations to the arrangements for two schools, seeks that the total number of places will be 885.

Table 2: forecast number of pupils for YR in the planning area compared to the sum of the proposed PANs

| | Sum of the proposed PANs for the schools in the planning area assuming that there are no other changes except those proposed by the local authority | The forecast provided by the local authority of the number of children seeking to be admitted to YR in the planning area | The difference between the sum of the proposed PANs and the number of children forecast to be admitted (the number of surplus places) | The forecast level of surplus places shown as a percentage |
|----------------|---|--|---|--|
| September 2019 | 885 | 721 | 164 | 18.5 |
| September 2020 | 885 | 734 | 151 | 17 |
| September 2021 | 885 | 736 | 149 | 16.8 |

13. Table 2 shows that there would still be a considerable proportion of surplus places if the PAN for the school and the other schools in the planning area were to be reduced as proposed by the local authority. I am therefore assured that if I were to agree the proposed variation then there would still be sufficient places in YR in 2019 and in future years.

Table 3: numbers of YR pupils at the school between 2015 and 2018 based on the January census

| September | PAN | Number of first preferences | Number of pupils admitted to YR |
|-----------|-----|-----------------------------|---------------------------------|
| 2015 | 45 | 32 | 45 |
| 2016 | 60 | 30 | 34 |
| 2017 | 60 | 29 | 30 |
| 2018 | 60 | 23 | 28 |

14. I move now from discussion of the area to consider the case of this particular school. Table 3 shows that the numbers of children in YR at the school has reduced since 2015 and that the school was the first preference for 30 or fewer families in 2016, 2017 and 2018. The local authority has told me that the number of first preferences for 2019 is 18. The fact that the numbers admitted in 2017 and 2018 were 30 and 28 respectively demonstrates that the school could have admitted every child whose parents expressed a preference for the school and could not have a higher preference met even had the PAN been 30. To put it another way, and on the basis that the pattern of preferences for 2019 is similar, no child would be disadvantaged as a result of the proposed reduction. The Infant Class Size Regulations prevent, except in particular circumstances, infant classes, such as YR, having over 30 children to a qualified teacher. This means that schools with just over 30 children in

an infant year group must either operate with small, and inherently expensive, classes such as those of 17 or 18 children as described in the referral, or operate with mixed aged classes. It is therefore understandable that the school supports setting the PAN at 30 which would mean that it would not have to admit over 30 children and therefore risk financial or school organisation complications.

15. The local authority identified a trend of reducing numbers of children requiring a place in YR in the local authority area. The local authority therefore met representatives of the schools to agree a strategic approach to address this trend efficiently. This led to a lower PAN for two schools in the planning area being proposed, including for this school. It was considered that this could help all schools to have some certainty about how many classes they would need to provide and therefore to be able to plan staffing accordingly. The evidence provided to me shows that this strategic approach does not undermine parental preference as fewer than 30 parents have been expressing a first preference for the school; the local authority has been able to admit to the school all who sought a place and could not have a higher preference met. This has been achieved without admitting more than 30 pupils in each of the past two years.

16. The local authority explained in its referral that there were 795 places in YR within 0.75 miles of the school including places at the school and 15 other schools. The local authority explained that only around 570 of the places were taken up in 2018. I am therefore assured that if this variation is agreed then there will be sufficient places for children living in the area.

Summary

17. The local authority has proposed a variation to the admission arrangements for the academic year commencing September 2019 which is that the PAN should be reduced from 60 to 30. There have been no concerns raised by those notified. I am assured that the variation will address the major change in circumstances.

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 Southwark for Robert Browning Primary School for September 2019.

19. I determine that for admissions for the academic year commencing September 2019 the published admission number shall be 30.

Dated: 4 April 2019

Signed:

Schools Adjudicator: Deborah Pritchard