



Determination

Case reference:	VAR825
Admission authority:	London Borough of Southwark for Ivydale Primary School, Nunhead
Date of decision:	10 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 Ivydale Primary School for September 2019.

I determine that for admissions in September 2019 the published admission number shall be 90.

The referral

1. The London Borough of Southwark (the local authority) has referred a proposal for variation to the admission arrangements for Ivydale 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 Nunhead.

2. The proposed variation is that the published admission number (PAN) is reduced from 120 to 90 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:

- the referral from the local authority sent on 8 February 2019, supporting documents and further information provided at my request;
- 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;
- evidence that the local authority has consulted the governing board of the school;
- a map showing the location of the school and other relevant schools; and
- 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 *"In 2016 there was a drop in primary school applications from Southwark residents followed by further drops in 2017 and 2018, also in common with many London boroughs and London wide (a drop of 7% in both cases)."*

8. The local authority said, specifically in relation to this school, *"Schools have not been able to recruit up to number, meaning that they are staffed for pupils that do not presently exist, or have receptions that fall in between PANs. Ivydale's PAN is 120, meaning – at best 4 reception classes of 22/23. This has added considerably to the financial and organisational burden on schools."*

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. The chair of the governing board wrote *"We are content."* 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. First, I wanted to know that, if the PAN was reduced at this school from 120 to 90 as proposed, there would be sufficient places for local children. I was mindful of the proposals to reduce the PANs at another nine community primary schools in the local authority. I therefore asked the local authority to provide me with information on its school place planning data for primary schools in the 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 located in planning area 3, Peckham and Nunhead, with a total of 14 schools admitting children to YR. The proposal to reduce the PAN of the school is one of four proposals to reduce the PANs of the community primary schools in the planning area. Table 1 shows the sum of the PANs of the 14 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	750	699	51	6.8
January 2017	810	710	100	12.3
January 2018	750	617	133	17.7
January 2019	840	625	215	25.6

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 three schools for which a reduction in

the PAN is proposed. The proposed variation for the school is a reduction of 30 places. The other three proposed variations are for reductions of 15, 15 and 30 places respectively so for the four schools this totals a reduction overall of 90 places. In other words, the total of the determined PANs in the planning area was 840 for September 2019 and the local authority, by requesting variations to the arrangements for four schools, seeks that the total number of places will be 750.

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	750	650	100	13.3
September 2020	750	650	100	13.3
September 2021	750	632	118	15.7

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 places allocated
2015	60	72	59
2016	90	68	89
2017	90	58	82
2018	120	67	83

14. I move now from discussion of the area to consider the case of this particular school. The PAN at the school has varied over the last four years but Table 3 shows that the numbers of children in YR at the school have been below the PAN in 2017 and particularly in 2018 when 83 pupils were admitted in a year when the PAN was 120. The evidence provided to me shows that this strategic approach does not undermine parental preference as fewer than 90 parents have been expressing a first preference for the school and 90 or fewer have been allocated a place in each of the past three years. The fact that the numbers admitted in 2017 and 2018 were 82 against a PAN of 90 and 83 against a PAN of 120 respectively demonstrates that the school has not been able to recruit children to fill all the places available. On the basis that the pattern of children admitted for 2019 is similar, no child would be disadvantaged as a result of the proposed reduction.

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 four 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 note of the meeting with the local authority recorded that the governing board and headteacher were supportive of the proposed reduction " *Current intake 85 is a healthy 3fe [forms of entry] – school wants to confirm PAN at 3FE...Reduction in admission felt to be due to families moving out of borough*". The evidence provided to me shows that this strategic approach does not undermine parental preference as numbers admitted to the school in the last two years were below PAN.

16. The local authority explained in its referral "*The reduction of the reception number for Ivydale Primary School will not lead to a shortage of school places in the planning area, given that there are already 150 spare places (20%) in the Peckham and Nunhead planning area. There are places available at the school, and other primary schools within the planning area to accommodate any in-year demand for a school place.*" I am therefore assured that if this variation is agreed then there will be sufficient places for children living in the area.

17. Finally, I have decided to comment on a brief reference recorded in the note of the meeting between the school and local authority to discuss the proposed reduction in PAN. It says "*Will cap year 1 upwards at 90, Nursery 50 fte*". Applications to join the school at Year 1 or upwards fall to be treated as in-year admissions. With very limited exceptions, parents have a right to express a preference for a place at a school at any time. The school has a duty to comply with the application for a place at the school unless to do so would prejudice the provision of education or the efficient use of resources (section 86 of the School Standards and Framework Act 1998). The local authority cannot limit its consideration of the application by any number in the way suggested.

Summary

18. 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 120 to 90. This is supported by the governing board and headteacher for the school. There have been no concerns raised by those notified. I am assured that the variation will address the major change in circumstances.

Determination

19. 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 Ivydale Primary School for September 2019.

20. I determine that for admissions in September 2019 the published admission number shall be 90.

Dated: 10 April 2019

Signed:

Schools Adjudicator: Lorraine Chapman