



Determination

Case reference: VAR818

Admission authority: London Borough of Southwark for Crawford Primary School, Camberwell

Date of decision: 9 April 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 London Borough of Southwark for Crawford Primary School for September 2019.

The referral

1. The London Borough of Southwark (the local authority) has referred a proposal for a variation to the admission arrangements for Crawford 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 90 to 60 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 letters 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 *"Crawford's PAN is 90, meaning they are staffed for 3 classes but have 3 small reception classes of 20-25. This has added to the financial and organisational burden on the school."* The local authority has set the PAN at 90 for 2020.

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 11 schools (the planning area) admitting children to YR. The proposal to reduce the PAN of the school is one of three proposals to reduce the PANs of the community primary schools in the planning area. Table 1 shows the sum of the PANs of the 11 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	688	646	42	6.1
January 2017	688	623	65	9.4
January 2018	688	603	85	12.3
January 2019	690	578	112	16.2

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 two schools for which a reduction in the PAN is proposed. The proposed variation for the school is a reduction of 30 places. The other two proposed variations are both for reductions of 15 places so for the three schools this totals a reduction overall of 60 places. In other words, the total of the determined PANs in the planning area was 690 for September 2019 and the local authority, by requesting variations to the arrangements for three schools, seeks that the total number of places will be 630.

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	630	545	85	13.5
September 2020	630	572	58	9.2
September 2021	630	560	70	11.1

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.

14. The local authority explained in its referral that in 2018 there were 660 places in YR within 0.75 miles of the school including those at the school and 11 other schools. These figures include places outside of the local authority area. The local authority explained that 450 of these places were within its area and around 360 of these 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.

15. The local authority, having identified a trend of reducing numbers of children requiring a place in YR in the local authority area, met representatives of the schools to agree a strategic approach to address this trend efficiently. This led to proposals for lower PANs for three schools in the planning area, 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. I can see that this is advantageous for the schools concerned.

16. I move now from discussion of the planning area to consider this particular school and the children who may be allocated a place at it. Table 3 shows the numbers of children admitted to YR at the school over the past four years and, of these, the number for whom the school was their first and highest preference.

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	90	55	80
2016	90	71	82
2017	90	78	80
2018	90	62	75

17. The school has been the first preference for more than 60 children in each of the last three years. Because the number of children allocated a place at the school in each of these years has been below 90, I can be confident that it has been able to admit all of those who expressed a preference for the school and could not have a higher preference met elsewhere. I know, therefore, it offered places to all those who made it their first preference as well as to some other children for whom it will have been a second or lower preference but still the highest preference that could be met.

18. If the PAN were 60, I could not be confident that the same situation would prevail. Indeed, I know that it would not. The local authority told me on 4 April 2019 that 64 children would be allocated places at the school: a mix of those for whom it was their first preference (58) and those for whom it was not but for whom it was the highest preference that would be offered with a PAN of 90. Four children would be offered a place at a school which their parents preferred less than Crawford if the PAN were reduced to 60. I have to consider whether this can be justified.

19. In considering this matter, I think it right to take into account that this request for a variation has been made after parents have made their applications for places in 2019. They will have done so at a time when the PAN was 90 and when they could have had no expectation that it would change for 2019. I cannot know how many might have made different preferences had they been aware that the PAN could change but some might have done so. Some parents may, for example, have put the school as a lesser preference in the expectation that their child could secure a place at the school if a place at a higher preference school or schools were not available. A reduction in PAN at this stage and this context may be justified by being a response to an event, such as part of the building becoming unusable for example, but nothing of this nature has occurred in this case.

20. The local authority told me that the four children above the proposed PAN of 60, could be allocated a place at another local school which had also been made a preference; inevitably this will be a lower preference. I recognise that the numbers may go up or down after national offer day. If the numbers reduced below 60, then no families would be adversely affected but this may not be the case. In addition, I understand that the school may find it financially challenging to operate three YR classes, if it decides to meet the requirements of the Infant Class Size Regulations by these means, with slightly over 20 children to a class if the number allocated remains at 64. Of course, there are other options for class organisation and management open to the school, but none is likely to be as straightforward as having two reception classes of 30 children and this would be achievable if the PAN were 60.

21. Normally changes to admission arrangements, including decreases to PAN, follow the process set out in paragraphs 1.42 to 1.45 of the Code, including formal consultation. It is possible that there would have been no objections to reducing the PAN if a proper consultation had been held to the required timescales, but this cannot be known. The numbers at this school have been over the proposed PAN of 60 every year since at least 2015 and are likely to be so again in 2019 if the PAN is not reduced so there is evidence of demand for places over 60 at the school.

22. The local authority has advertised its proposal to reduce the PAN on its website and some parents may have seen it. However, most, if not all, parents will have stated their preferences on the understanding that the PAN was 90 and that they could reasonably expect their child to be admitted based on previous patterns. In these particular circumstances I have concluded that it is unjustified to change the PAN at this late stage when it is known that it is likely to affect which preferred school some children will attend. I have decided, on balance, given that the number of potential allocations is higher than the proposed PAN of 60, not to approve the requested variation.

Summary

23. 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 90 to 60. This is supported by the governing board for the school. There have been no concerns raised by those notified. There are sufficient surplus places in the area for those living locally.

24. The variation is not approved because it was proposed at a very late stage of the admissions process after parents had made their preferences and some children would not be admitted to the school, which was their highest preference school with places available to them, if the PAN were reduced. The circumstances do not justify the variation proposed and I do not approve the variation.

Determination

25. 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 London Borough of Southwark for Crawford Primary School for September 2019.

Dated: 9 April 2019

Signed:

Schools Adjudicator: Deborah Pritchard