



Determination

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|-----------------------------|---------------------------------------------------------------|
| Case reference: | VAR826 |
| Admission authority: | London Borough of Southwark for Phoenix Primary School |
| Date of decision: | 15 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 Phoenix 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 Phoenix 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.
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 5 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 that *"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..... 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 headteacher wrote *"I am writing to confirm that I am happy for the reduction in the PAN for Phoenix from 120 to 90 and fully support the proposal from the London Borough of Southwark."* 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 were reduced at this school, 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 2, Bermondsey and Rotherhithe, with a total of 20* schools admitting children to YR. 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.

*I have not included the figures for Southwark Free School, which closed in 2017.

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 | 960 | 927 | 33 | 3.4 |
| January 2017 | 1020 | 952 | 68 | 6.7 |
| January 2018 | 960 | 887 | 73 | 7.6 |
| January 2019 | 1020 | 932 | 88 | 8.6 |

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. The proposed variation for the school is a reduction of 30 places. The total of the determined PANs in the planning area was 1020 for September 2019 and the local authority, by requesting a variation to the arrangements for this school, will mean that the total number of places will be 990.

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 | 990 | 906 | 84 | 8.5 |
| September 2020 | 990 | 889 | 101 | 10.2 |
| September 2021 | 990 | 879 | 111 | 11.2 |

13. Table 2 shows that there would still be a considerable proportion of surplus places if the PAN for the school were to be reduced as proposed by the local authority. The local authority explained in its referral that *“In September 2018, there were – including the school - 1,320 (45 FE [forms of entry]) reception places within one mile of the school, and 405 (14.5FE) within 0.5 miles. Of these, 179 (6FE - 13%) were vacant within one mile, and 101 (3FE – 23%) were vacant within 0.5 miles. Therefore, the removal of 30 (1FE) places is unlikely to have a material effect on reception provision locally. We are of the opinion that there will be no discernible effect on other primary schools, academies and educational institutions within the locality.”* I am therefore assured that if this variation is agreed then there will be sufficient places for children living in the area.

14. The local authority, having identified a trend of reducing numbers of children requiring a place in YR in the planning areas, met representatives of the ten schools to agree a strategic approach to address this trend efficiently. This led to a lower PAN for this school in the planning area being proposed. It was considered that this could help the school 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 at the school with the local authority recorded that the headteacher and governing board *“Want to reduce to 90. Keen to future proof expansion at a later stage. Understand reasons for falling rolls.”*

15. I move now from consideration of the area to look at the particular circumstances of the school. Table 3 shows the numbers of children at the school in YR 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 places allocated |
|-----------|-----|-----------------------------|----------------------------|
| 2015 | 120 | 91 | 112 |
| 2016 | 120 | 105 | 111 |
| 2017 | 120 | 81 | 86 |
| 2018 | 120 | 73 | 86 |

16. Figures provided by the local authority demonstrate a mixed picture of demand for

places at the school over the past few years as the table shows. The number of first preferences and of places allocated has been below 90 for the past two years but above it for the two years before. Because of this, I wanted to understand the demand for places at the school for admission to YR in September 2019. The local authority told me that it actually expected to offer 90 places *“in anticipation of an agreement to the PAN reduction being reached through this variation request”*. It went on to say *“A further 26 families had made Phoenix a preference and would receive a place if the admission number remains at 120. All of these children are able to be offered alternative places within a mile of their homes at this stage pending the outcome of this variation request.”* What this means is that if this variation request is agreed, 26 children will attend a school they would prefer less than Phoenix. It is not always possible for parental preferences to be met. However, in this case, at the time parents expressed their preferences, the PAN for the school was 120 and parents had every right to base their preferences on that number and expect it not to be changed (leaving aside some completely unforeseen event which would make the building or part of it unusable). If the PAN remains at 120, then these 26 children will be offered a place at Phoenix.

17. The local authority has also explained that the school was part way through a plan to expand it from two forms of entry (PAN of 60) to four forms of entry (PAN of 120); that expansion has now halted because of the wider fall in demand in the area. The local authority adds that the school has only enough class bases for three forms of entry (PAN of 90). However, the school has some year groups of three forms of entry. In addition, the local authority could apply for a variation to PAN for 2020 (the PAN for that year having already been set) and/or could consult on a reduced PAN for 2021. Temporary accommodation could also be arranged. In other words, there are options available to ensure that the school can accommodate all children admitted there, rather than the reduction of the PAN for 2019 at this very late stage in the admissions cycle.

18. I am concerned that when parents expressed their preferences for schools by the deadline of 15 January 2019, they did so on an understanding that the PAN for this school was 120. With a PAN of 120, the local authority’s figures tell me that 116 children will be offered places and, for all of them, that would be the highest preference that could be offered. I cannot know how many of those parents would have expressed different preferences had they thought the PAN was 90 but it is possible that some might have done so. I do not think it right to approve this variation at this late point in the admission cycle after parents made their preferences based on a PAN of 120 and when it is known that it will affect which preferred school some children will attend. I have decided, given that the number of potential allocations is higher than the proposed PAN of 90, not to approve the requested variation.

Summary

19. 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. There are sufficient surplus places in the area for those living locally.

20. Against that, the proposed reduction has been made late and would result in 26 children having to attend a less preferred school. 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

21. 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 Phoenix Primary School for September 2019.

Dated: 15 April 2019

Signed:

Schools Adjudicator: Lorraine Chapman