



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR2084

**Admission authority:** The London Borough of Waltham Forest for Heathcote School and Science College

**Date of decision:** 14 December 2020

## 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 Waltham Forest for Heathcote School and Science College for September 2021.

I determine that the published admission number will be 180.

## The referral

1. The London Borough of Waltham Forest (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 for Heathcote School and Science College (the school) to the adjudicator. The school is a community school for children aged 11 to 18 in Chingford.
2. The proposed variation is that the published admission number (PAN) is reduced from 240 to 180.

## 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 24 November 2020, supporting documents and further information provided at my request;
- b. the determined arrangements for 2021 and the proposed variation to those arrangements;
- c. evidence that the governing board for the school has been consulted and further information provided to me in support of the proposed variation;
- d. a map showing the location of the school and other relevant schools;
- e. confirmation that the appropriate bodies have been notified about the proposed notification;
- f. a previous determination on the admission arrangements for the school (Case reference VAR931); and
- g. information available on the websites of the local authority and the Department for Education.

## The proposed variation

7. The school is located at the north eastern edge of the local authority's area. There are 15 state funded secondary schools within three miles of the school, the majority of which are in the areas of other local authorities. The local authority proposed a variation to the admission arrangements for the school for 2020 which was determined on 29 May 2020. The proposed variation was that the PAN for 2020 should be reduced from 240 to 210. The variation was not approved.

8. The local authority is consulting on reducing the PAN for the school to 180 for 2022. The local authority's website says that the consultation, "will run for 7 weeks commencing Monday, 7 December 2020 and will close on Sunday, 24 January 2021."

9. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be changed, that is varied, if there is a major change of circumstance or certain other limited and specified circumstances. I will consider below whether the variation requested is justified by the change in circumstances.

10. Paragraph 3.6 of the Code also requires that relevant parties be notified of a proposed variation. The local authority has confirmed that it has notified the appropriate bodies. I have seen confirmation from the school's governing board that it supports the request for the variation. I find that the appropriate procedures were followed.

## Consideration of proposed variation

11. The local authority said that the major change of circumstance is, "Low on-time applications in this area of the Borough likely influenced by COVID guidance not to use public transport." It has said that the effect of this change of circumstance is, "All schools in the local area are under-subscribed where many would usually be over-subscribed. There are more places in the local area than demand due to fewer pupils using public transport."

12. As a result the local authority has proposed the reduction in the PAN from 240 to 180, a reduction of 60 places as it says that this will, "reduce the surplus in the local area to a reasonable level whilst retaining a level of parental preference and enable the school sufficient time to reduce staff where possible to enable cost savings for the school." It is for me to decide whether the proposed variation is justified.

13. There is no formal consultation required for a variation because it is designed to meet a major change in circumstances, and so parents and others do not have the opportunity to express their views or to object to the adjudicator if they wish to do so. This is particularly important in the case of reductions to PAN because once the PAN has been set then no body, except the governing board of a community or voluntary controlled school, can object to the PAN remaining the same in future years. In this case the local authority is already in the process of consulting on setting the PAN at 180 for 2022. This means that all interested parties, including parents, will have the opportunity to state their views on the decisions to be made for 2022.

14. I have scrutinised the data to try to ascertain if there will be sufficient school places in the local area if the PAN is reduced from 240 to 180 for September 2021; considered the demand for places at the school; the reasons given for the change; the potential effect on parental preference; and whether the change is justified in these circumstances.

15. The local authority has a duty to make sure that there are sufficient places for the children in its area. To fulfil this duty the local authority assesses the likely future number of places to be needed and plans to meet that need. Secondary schools often provide for a wide geographical area and the local authority has provided information on the admissions to the three state-funded secondary schools nearest to the school in the local authority's area, as well as on the school, and this is summarised in table 1. The closing date for applications for 2021 was 31 October 2020. This means that parents have made their application in the expectation that the PAN for the school was 240. It also means that the local authority was able to provide me with the number of first preferences received for 2021.

**Table 1: admissions and forecasts on admissions to the school and the nearest three secondary schools in the local authority’s area**

	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Sum of PANs</b>	930	930	930	900	840 <sup>1</sup>
<b>Number of first preferences</b>	699	706	705	557	N/A
<b>Number admitted</b>	811	836	811	790 forecast	790 forecast
<b>Number of vacant places</b>	119	94	119	110	50

16. Table 1 shows that following admissions in 2020 there were 119 vacant places. This is nearly 13 per cent of the places available across four schools and so a generous proportion. The PAN for one of the other schools was reduced for 2021 which is why the sum of the PANs is lower for 2021 than in previous years and therefore the number of forecast surplus places is also reduced, although only by nine places. The proposed variation, assuming that the PANs for the other schools are not reduced or increased, would leave 50 vacant places which would be six per cent and a reasonable proportion. This is also the forecast for 2022 assuming that the PAN for the school is set at 180 following the current consultation.

17. When applying for secondary schools parents have been more likely to consider allowing their eleven year old children to travel some distance than when choosing a primary school where the child is only four or five years old. In this context, as there are other secondary schools within three miles of the school and the school is close to the local authority boundary, I asked the local authority about the effect of travel into and out of other local authority areas on the patterns of demand for this and other local schools in its area. The local authority explained, “Boroughwide we lost 15% of year 6 pupils to other LAs and import 5% so we are a net exporter of around 10%. This equates to roughly 10 forms of entry (300 children) across the Borough.” It is extremely challenging to predict with certainty how such movements may change from year to year and individual schools can vary considerably in popularity from year to year. For 2021, the major change in circumstances which has led to the local authority making this proposed variation relates to the advice to avoid using public transport due to the Covid-19 pandemic; the local authority argues that this has led to reduced demand for places at the school and I will explore this further below.

18. The common application form (CAF) which is used by parents in Waltham Forest allows for the expression of up to six preferences for secondary schools – any of which could be inside or outside the local authority’s area. A parent’s first preference will be the school the parent most wants their child to attend but in many cases that first preference will

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<sup>1</sup> The local authority’s expectations of total PANs which includes the PAN being set at 180 for the school as per the current consultation

not be successful and so all preferences can be important. Table 1 shows that there has been a significant reduction in the number of first preferences for these secondary schools for 2021 with 705 first preferences in 2020 (and similar figures for previous years) but reduced to 557 for admissions in 2021. The local authority has argued that the number of first preferences is a strong indicator of final admission numbers as there is capacity in other local schools.

19. Table 2 below summarises the number of children admitted to the school in recent years and the forecast of future demand. The local authority's forecast is 180 children in 2021 and 2022 and I asked for the basis of this. The local authority said, "For 2021 there were 128 1st preferences for Heathcote and for 2020 there were 125, a difference of just 3. Since in 2020 the number of year 7 pupils reached only 171 it is assumed that no more than 180 would join the school particularly since all 3 other schools in the area are also undersubscribed based on 1st preferences." It is self-evidently the case that where a school has more places than applicants all those for whom the school is a first preference will be offered a place. I note that two of the four schools in the area filled to PAN or close to PAN but I accept that there is capacity at one other school in 2020 and the number of first preferences for the three other schools, setting aside the school, has reduced for 2021.

**Table 2: places allocated to the school and forecast demand**

	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>PAN</b>	240	240	240	240	180 <sup>2</sup>
<b>Number of first preferences made for the school</b>	113	107	125	128	N/A
<b>Number of children admitted</b>	209	200	175	180 forecast	180 forecast
<b>Number of vacant places</b>	31	40	65	60 forecast	N/A

20. Table 2 shows reduced numbers of admissions to the school and that only 175 children joined the school in Year 7 (Y7) in 2020. If the PAN for the school had been 180 (the proposed PAN for 2021) for 2020 then the school could have accommodated all the children who wished to attend that school more than any other school. I note that the number of first preferences for the school increased in 2020 but that the number of children admitted fell; this supports the local authority's argument regarding the likely number of future admissions. It seems likely that if the PAN were reduced to 180 then parental preference would not be frustrated.

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<sup>2</sup> dependent upon the consultation currently in hand

21. In the previous determination, following the request to reduce the PAN for the school to 210 for 2020, my fellow adjudicator was not convinced that the variation was justified. The local authority had said that the variation was needed to reduce the number of surplus places and to help the school manage overstaffing. The adjudicator was not convinced by either of these reasons and said in summary, “The proposed reduction in PAN at the school does not reduce the number of surplus places in the area and nor is it a prerequisite for the school to reduce staffing.” This latter point was based on the knowledge that the school would have had a strong indication on national offer day (1 March 2020) of how many children would be admitted in 2020 and had time to plan accordingly and make any necessary adjustments to staffing. These points remain valid.

22. The governing board provided a letter of support for the proposed variation. It described in that letter that the staffing structure was based on eight forms of entry, which can be eight groups of 30 children based on a PAN of 240. I was surprised that this is still the case when the school has not admitted more than 210 children, which could be described as seven forms of entry since at least 2018. It is the case that timetabling for odd numbers of forms such as seven forms can be more challenging than for even numbers such as eight or six but there are many secondary schools with odd numbers of forms of entry. Moreover, maintaining a staffing structure to support eight forms of entry when a school has fewer than seven forms of entry is not an economic model.

23. The letter on behalf of the governing board said, “ Normal patterns of employee churn have been disrupted as a result of Covid-19 and this has made it very difficult to reduce staffing by natural wastage.” I can see that Covid-19 may well have had an effect on “patterns of employee churn” but I cannot see why reducing the PAN would, of itself, make it easier to reduce staff numbers. As VAR931 pointed out, the PAN alone does not drive staffing decisions. More pertinently to the request, the governing board also echoed the comments made by the local authority on the effect of Covid-19 regarding applications for places reducing across the area. In addition, the letter said that ongoing uncertainty “leaves the school very vulnerable as we cannot plan strategically to manage our budgets and, in particular, staffing costs. We are a school in financial difficulty (projecting potential shortfall of up to 4 million pounds over the next 5 years if we do not act now) and, as a result of this, continue to work closely with the local authority to try and best manage this over the next few years. Managing a school where we know we have a stable number of pupils and a 6 form of entry will mean the school has a much clearer and brighter future. The latter makes timetabling much leaner and enables us to continue to provide a broad and balanced curriculum and the best education we can offer. Our pupils need this now more than ever. The financial situation has been exacerbated by the significant Covid costs the school has faced.”

24. The evidence provided to me indicates that there would be sufficient places across the area if the PAN were reduced to 180, that parental preference is very unlikely to be frustrated and that the governing board would be in a better position to manage its staffing and the education it provides if the PAN were reduced. The reduction in student numbers

has been evident for some time but the school has retained a staffing structure based on a PAN of 240. The school is now in financial difficulties which it needs to address. The local authority is consulting on reducing the PAN to 180 for 2022. It may assist the school in planning the way forward if the PAN were set now for 2021 at 180 although the figures appear to speak for themselves; if the case is as strong as made out by the local authority then it is unclear to me why the governing board appears to need the variation to its admission number in order to make the desired changes. As was explained clearly in VAR931 the PAN does not dictate the staffing model and a reduced PAN does not of itself remove surplus capacity. I should also make the point that the PAN applies only to the normal year of entry (Y7 in this case) and only for the duration of that cohort's time in Y7. Reducing the PAN for Y7 for 2021 has no effect whatsoever on whether or not a child seeking a place in any other year group would have to be admitted or on staffing models for other year groups.

25. The major change of circumstances from that pertaining in VAR931 and described in this application comes from the Covid-19 pandemic. I am told that the most significant effect for 2021 is that parents are preferring other schools for which it is not necessary to use public transport. The letter from the school, provided by the headteacher on behalf of the governing board, concluded, "I believe passionately that making this decision will help myself and the Governing Body to steer us initially through the next year which will be challenging for all schools and particularly for us."

26. I have considered all the information provided to me. On balance, to give certainty to the governing board as it makes difficult decisions in difficult times which could make significant differences to the education the school is able to provide, I approve the variation as the evidence supports the view that parental preference will not be frustrated at all by so doing.

## Determination

27. 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 Waltham Forest for Heathcote School and Science College for September 2021.

28. I determine that the published admission number will be 180.

Dated: 14 December 2020

Signed:

Schools Adjudicator: Deborah Pritchard