



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2097

Admission authority: The London Borough of Merton for West Wimbledon Primary School, London

Date of decision: 21 January 2021

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 Merton for West Wimbledon Primary School for September 2021.

I determine that the Published Admission Number will be reduced from 60 to 30.

The referral

1. The London Borough of Merton (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 for West Wimbledon Primary School (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 3 - 11 in London.
2. The proposed variation is a reduction to the Published Admission Number (PAN) for the school from 60 pupils to 30 pupils.

Jurisdiction

3. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 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 dated 10 December 2020, supporting documents and further information supplied on 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
- d. a copy of the notification sent to the appropriate bodies about the proposed variation.

The proposed variation

7. The school is a co-educational community primary school for pupils aged 3–11. Although the school has a PAN of 60 for admissions to Reception, it has been undersubscribed for at least the last two years. The local authority has said in its application form that the school was inspected by Ofsted and deemed as requiring improvement in late 2018. Since this time, demand for places at the school has fallen substantially. This has coincided with the fact that demand for primary school places in the area in which the school is located has also fallen. The school had put together school improvement strategies working with the local authority. When the arrangements for September 2021 were determined it was hoped these strategies would have a positive impact upon pupil numbers; sadly, however, this has not been the case.

8. The authority says that the school only has 41 pupils on roll in the current Reception cohort and 44 pupils on roll in Year 1. (The authority says this is effectively 38 and 41 respectively as the school has “Additionally Resourced Provision for SEND ASD above its PAN”). According to the authority, all higher year groups currently have some vacant places. The local authority had concluded at the time of the referral that it was in a position to be able to forecast that the school would not admit 60 pupils in September 2021. As of 2 December 2020, only 19 first preferences and 9 second preferences had been received. It was therefore anticipated that the Reception year would again be “significantly undersubscribed” in September 2021. The authority has now sent further information about

the number of applications received as at the closing date for applications to primary schools (15 January 2021). I will refer to these below.

9. In light of the more up to date information available about pupil numbers in December 2020, the local authority, as the admission authority for the school, proposed a variation to the determined arrangements for September 2021 to reduce the PAN from 60 to 30. The governing board of the school has been consulted about the proposal that the PAN be reduced and is in favour of this reduction as it will enable the school to plan on the basis of having one form of entry only and make financial savings as a result.

10. 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 if certain other limited and specified circumstances apply. I will consider below whether the variation requested is justified by the change in circumstances.

11. Paragraph 3.6 of the Code also 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 the list of schools and other bodies to which it was sent. I have seen confirmation from the school's governing board that it supports the request for the variation. I am satisfied that all relevant bodies have been notified. None appears to have expressed any views on the proposal. I therefore find that the appropriate procedures were followed.

Consideration of proposed variation

12. In order to approve the proposed variation, I need to be satisfied that it will address the issues arising from the major change of circumstances. The local authority has said that reducing the PAN to 30 will enable the school to resource Reception accordingly. "Running another year group significantly below PAN will add to the school's existing financial issues. Reducing PAN to 30 and resourcing accordingly will aid the school's ongoing recovery. The LA will be consulting on changing the school's PAN from 60 to 30 as part of the consultation for 22/23. This variation would align with the new consultation and enable the school to improve its financial position a year earlier. The change would also avoid the need to consider mixed age classes which have proven complex to administer when tried elsewhere and have proven unpopular with parents".

13. Because the fall in pupil numbers over recent years appears to have caused the school financial difficulties, I asked the school to provide further details of these difficulties, and to explain how a reduction in PAN might ameliorate them. Here is the school's response:

"In 2020-21, the school is budgeted to spend £177,894 more than its delegated and school-generated income. Already, most classes in the school are not full to 30 children, and this is most acute in the current reception and year 1 classes (the most recent admissions). Currently our two reception classes have 20 and 18 children in them and our two year one classes have 22 and 21 children.

This budget year, the school's average cost per teacher (with full on costs) is £55,047, the cost for a teaching assistant (essential in Reception classes) is £22,465 and our average other overhead and admin costs per classroom in the school are £61,041. The total costs of an "open" reception class are therefore £138,733.

This year, the school budgeted delegated and self-generated income per pupil is £5,435 per pupil (excluding any SEN top up funding). Therefore, each reception class needs to have at least 26 pupils in order for the delegated income to exceed the costs of opening that classroom (i.e., this is the current breakeven pupil number per class). Admitting only one reception class which is full at 30 children will avoid taking on £77,692 of staff employment costs in the academic year from Sept 2021".

I am satisfied on the basis of this information that the school has a significant budget deficit which it needs to address, and that a reduction in PAN from 60 – 30 would allow the school to secure much needed costs savings.

14. However, I am also conscious that parents will have based their preferences for primary school places upon the school's 2021 arrangements as determined and will therefore have judged their chances of success on the basis that there are 60 Reception places available at the school. I was concerned because, although the school has not admitted 60 pupils in any of the previous three years, it has always admitted more than 30 pupils. Indeed, the total number of first and second preferences as of 2 December 2020 was 28. The deadline for applications was 15 January 2021, so there was the possibility that the number of applications would exceed 30 as it has done for the previous three years, and that some parents would be unsuccessful in their applications and disappointed as a result. In light of these concerns, I delayed making a determination until after the deadline for applications had passed in order to have as clear a picture as possible of the number of applications.

15. The local authority provided the following information at my request on 19 January 2021. The figures show the number of preferences made by residents of the London Borough of Merton (in borough applications). The numbers in brackets are the number of applications for places at the school made for the current year of admissions (2020/2021) in which the number of pupils on roll in Reception is 41.

Number of 1st preferences = 28 (33)

Number of 2nd preferences = 23 (18)

Number of 3rd preferences = 14 (29)

Number of 4th preferences = 15 (18)

Number of 5th preferences = 17 (8)

Number of 6th preferences = 16 (17)

Total – 113 (123)

16. It can be seen that the number of parents expressing a preference for a place at the school has reduced. There will be some additional applications from applicants who do not reside in the London Borough of Merton (out of borough applications). The number of out of borough applications is not yet available however last year there were 10 such applications. Based upon the actual number of in borough applications, it appears likely that there will be fewer than 41 pupils admitted to the school in September 2021, and that probably only 5 or 6 parents who have expressed a preference for the school will be refused a place for their child because the PAN has been reduced to 30. It is also clear that the school will be able to accommodate all first preferences with a PAN of 30. In the event that some parents are disappointed, the local authority has said on the application form that there are sufficient primary school places available locally to accommodate children who have not been offered a place at the school. The following table is said to provide the number of admissions for all local primary schools in planning areas 1 and 2 of the London Borough of Merton and the distance between these other schools and West Wimbledon Primary School. The table shows that across the two planning areas there are 75 spare places out of 600 (12.5 per cent) in the current year.

School (and distance from West Wimbledon Primary School)	Planni ng area (PA)	PAN	Rec Oct 2020	Rec Oct 2019	Rec Oct 2018
Bishop Gilpin CofE Primary School	1	60	60	59	60
Hollymount School (0.55 miles)	1	60	60	60	58
St Matthew's C of E Primary School (0.72 miles)	1	30	28	30	28
West Wimbledon Primary School	1	60	41	49	58
Total Planning Area 1		210	189	198	204
Aragon Primary School (1.30 miles)	2	90	70	80	72
Hatfield Primary School (1.29 miles)	2	60	55	59	58
Hillcross Primary School (1.21 miles)	2	60*	54	59	60

Joseph Hood Primary School (0.89 miles)	2	60	56	56	55
Sacred Heart Catholic Primary School (0.42 miles)	2	60**	41	50	33
St John Fisher RC Primary School (0.66 miles)	2	60	60	56	58
Total Planning Area 2		390	336	360	336
Total Planning Areas 1 and 2		600	525	558	540

* PAN was 90 until 2018. ** PAN was 30 until 2018. Burlington School within RB Kingston is 0.67 miles from West Wimbledon Primary School and has an admission number of 90.

17. It is apparent from the table that there has been some spare capacity but, West Wimbledon Primary School apart, this has been mostly in Planning Area 2 (the school of course is located in Planning Area 1). Hatfield and Hillcross Primary Schools have not been significantly undersubscribed during the last three years and are 1.29 and 1.21m away. Aragon Primary School appears as though it may be more likely to have vacant places in September 2021, but all three schools are between 30-40 minutes walk or a short bus ride from the West Wimbledon area.

18. The case manager wrote to the local authority on my behalf to ask whether, on the basis of the figures provided for previous years, the removal of 30 places in Planning Area 1 is likely to leave a shortfall in that area. The letter also said:

“The authority has said that the schools in Priority Area 2 are reasonably close the West Wimbledon area, but two of these schools are Roman Catholic schools and all of them appear further away from the location in which the school is located than the Priority Area 1 schools. For example, Aragon Primary School is 1.30m, Hatfield Primary School 1.29m, Hillcross Primary School 1.21m and Joseph Hood 0.89m. For admissions in September 2020, all of these schools had vacant places, but some had more than others. The school with the most vacant places was Aragon Primary School, which appears to be within walking distance, but Google Maps show that the route is along the Westway which looks to be a very busy road. The adjudicator is conscious that, if the proposed variation is approved at this stage of the process, many parents will have made their school applications. Some will be confidently expecting a place at West Wimbledon Primary School and will be disappointed. **The adjudicator asks what the realistic alternative schools are for the children in question; how difficult their journey to school is likely to be; and whether there are any adverse environmental applications. The authority is asked to confirm that, if the proposed variation is approved, this would be unlikely to cause**

further traffic congestion or to have an adverse impact on public transport services”.

19. The local authority’s response was to explain that the actual number of mainstream admissions to the school in September 2020 was 38 (three children having been admitted under the school’s additional resource for children with Special Educational Needs and Disabilities). If the number of applications is similar for September 2021 and the school’s PAN is reduced to 30, this would mean finding eight places in other local schools. There were two vacant places at St Matthew’s Church of England Primary School, 19 vacant places at Sacred Heart Catholic Primary School and four vacant places at Joseph Hood Primary School – a total of 25 places. All of these schools are less than a mile from the West Wimbledon Primary School area. There are a total of 56 vacant places within 1.3 miles. As stated above, it does appear that the number of places which will be offered for September 2021 will be lower than in September 2020, so the number of places needing to be found at alternative local schools appears likely to be less than 8.

20. While it is recognised by the local authority that the nearest school with vacant places is a Catholic school, the authority considers that there is a good balance of alternatives locally, and that the Sacred Heart Primary School already provides education for children from a variety of different faiths. The information available on future trends indicates that demand will go down in 2021 rather than up. Across the borough, the Greater London Authority (GLA) forecasts are for there to be 64 fewer children in September 2021 as compared to 2020. The authority concedes that as many as eight children may be ‘displaced’ if the school’s PAN is reduced to 30. Whilst the local authority would wish preferences to be met as far as possible, the view is that it is even more important for schools to be financially sustainable. Due to the Key Stage 1 requirements on class sizes, Reception class sizes must be 30 or less. The authority considers that having classes of 19 and 18 is simply not viable for the school.

21. The local authority has confirmed that it does not envisage there would be any significant increase in traffic movement, traffic congestion, or other adverse environmental issues as a result of the proposal being implemented. I accept this confirmation.

22. In reaching my decision I have taken account of all the arguments made to me. While I accept that it is not financially viable for the school to run for any period of time with class sizes of 18 or 19, I do need to point out that there are other options available to it. It could choose not to have a full-time teaching assistant to each class (especially with very small class sizes). Alternatively, it could choose to organise its classes so that it had closer to 30 children in each class, although this would mean having more than one year group in one or more classes. I recognise that these options are not likely to be popular with parents or be considered in the best interests of the children’s education by the school. On balance, and especially in the light of the most recent information provided by the authority which suggests that few if any children will be displaced if the PAN is reduced, my conclusion is that the local authority has identified a major change of circumstances and that the proposed variation offers a reasonable solution to the problems being experienced by the school as a result of a continuing decline in the number of applications to Reception.

Summary

23. I am satisfied that, if the proposed variation is implemented, there is sufficient accessible alternative provision available locally for children who might otherwise have been admitted to the school. I have seen no evidence to suggest that there will be any adverse impact upon other local schools. The pattern of admissions to the school for the last three years indicates that it is not admitting up to its existing PAN of 60 children, and the number of applications is anticipated to decline further. I therefore approve the proposal to reduce the PAN from 60 – 30 for admissions in September 2021.

Determination

24. 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 Merton for West Wimbledon Primary School for September 2021.

25. I determine that the Published Admission Number will be reduced from 60 to 30.

Dated: 21 January 2021

Signed:

Schools Adjudicator: Dr Marisa Vallely