



Office of
the Schools
Adjudicator

Determination

Case reference: VAR2141

Admission authority: London Borough of Havering for Mead Primary School in Romford

Date of decision: 27 May 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 Havering for Mead Primary School for September 2021.

I determine that the published admission number for the school will be 90.

I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

The referral

1. The London Borough of Havering (the local authority) has referred a proposal for a variation to the admission arrangements for September 2021 for Mead Primary School (the school) to the adjudicator. The school is a community school for children aged three to eleven in Romford.
2. The proposed variation is that the published admission number (PAN) is reduced from 120 to 90.

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.

5. I am also satisfied that it is within my jurisdiction to consider the determined arrangements in accordance with my power under section 88I of the Act as they have come to my attention and determine whether or not they conform with the requirements relating to admissions and if not in what ways they do not so conform.

Procedure

6. In considering this matter I have had regard to all relevant legislation, and the School Admissions Code (the Code).

7. The information I have considered in reaching my decision includes:

- a. the referral from the local authority dated 6 May 2021, supporting documents and further information provided at my request;
- b. the determined arrangements for 2021 and the proposed variation to those arrangements;
- c. confirmation that the governing board for the school has been consulted;
- d. a map showing the location of the school and other relevant schools;
- e. confirmation that the appropriate bodies have been notified of the proposed variation; and
- f. information available on the websites of the local authority and the Department for Education.

The proposed variation

8. This proposed variation is one of several requests made to the adjudicator by the local authority. Each request will be considered on its individual merits. All proposed variations are requests for reductions in the PANs of primary schools following the allocations made for admissions in 2021. In its proposal in this case the local authority explained that “on National Offer Day Mead Primary School only made 90 offers against a PAN of 120. This was lower than expected “The local authority explained that “Reducing

the PAN of Mead Primary School for 2021/22 would prevent the school from carrying a large surplus of places, which would otherwise place a financial burden on the school.”

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 the appropriate bodies in the relevant area be notified of a proposed variation. The local authority has provided me with confirmation that the appropriate bodies have been notified. I have seen confirmation from the school’s governing board that it has been consulted on the proposed variation and support it. I find that the appropriate procedures were followed.

Consideration of proposed variation

11. In this case, the PAN for 2022 has already been set at 120 and so the reduced PAN will only affect admissions to reception year (YR) in 2021. To put it a slightly different way and for the avoidance of doubt, unless there is a further variation approved by the adjudicator, the PAN for 2022 is 120. My consideration is therefore for 2021 only. 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 120 to 90 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.

12. 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. The local authority uses planning areas, which are geographical groups of schools, for this purpose. The school is one of nine schools admitting children to YR in the Harold Hill planning area (the planning area). Table 1 below summarises the number of children offered places to the schools in the planning area on national offer day in recent years.

Table 1

	2018	2019	2020	2021
Sum of PANs	660	660	690	690
Number of children allocated a place on national offer day	614	644	673	622
Number of vacant places	46	16	17	68
Percentage of vacant places	7%	2%	2%	10%

13. Table 1 shows that there was a low proportion of vacant places in 2019 and that this continued for 2020, despite the fact that the number of YR places in the planning area rose from 660 to 690 for 2020. The reduction in demand for 2021 is in contrast to the previous increases seen, year on year. The local authority said that the school is located in an “area that has historically seen a high number of families moving into the area due to lower rents and extensive housing developments being delivered.” The local authority also provided information that suggested that there was a reduction in the number of people moving into the area who may have children requiring a place in YR. If the PAN were set at 90 for the school this would be a reduction of 30 places in the planning area and so, based on the current allocations, and at this point there would be 38 vacant places still available for children seeking a place in the future. This would be six per cent of the total.

14. The local authority also provided me with the number of children at the schools in the planning area on the January census day (following admission in the previous September) for previous years. This shows that in every previous year, rather than any increase there was actually a slight reduction in the number of children from the allocations shown in table 1. Three schools within a mile of the school also have vacant places. These factors provide evidence that if the PAN were set at 90 then there would be sufficient places in the planning area and near to the school for children seeking a place after allocations have been made.

15. Table 2 shows the number of children allocated places at the school in recent years. The PAN for the school was increased from 90 to 120 to meet increased demand for 2020.

Table 2: number of children allocated places at the school

	2018	2019	2020	2021
PAN	90	90	120	120
Number of children allocated places on national offer day	90	90	117	90
Number of vacant places	0	0	3	30

16. The evidence provided to me shows that reducing the PAN to 90, as all applications have been considered, would be unlikely to frustrate parental preference.

17. Ninety children have been offered a place at the school and the risk to the school if the PAN remains at 120 is that one or more children are admitted and this could cause challenges financially and for teaching and learning. Schools are largely funded by the number of children attending and admitting multiples of just over 30 children to YR can provide significant challenges for schools because of the implications of infant class size regulations. Infant classes are those where the majority of children will reach the age of 5, 6 or 7 during the school year. Infant class size regulations mean that such classes must not contain more than 30 pupils with a single qualified school teacher except in specific circumstances. It is advantageous, where schools seek to teach in classes all from the same year group, for the number of children in each year group to be either a multiple of 30

or close to that number. For example, in 2018 and 2019 there were 90 children admitted to the school and they would have been taught in three classes of 30 children which is an economically efficient model.

18. If the PAN were to remain at 120 then it is possible that during 2021/22 other children could join YR so that the numbers increased beyond 90, say to 91, so that classes had to be re-arranged so that no infant class had more than 30 children. As the school has 117 children in its current YR classes, which will be Year 1 come September 2021, it would have some scope to admit up to 93 children and place some YR children into classes with Y1 children. This would minimise additional expense to the school, but would cause challenges in terms of teaching and learning. In addition, as children could join the school throughout the year the class structures might have to keep changing which is likely to be detrimental to learning. Another option for 91 children would be four classes of around 22 or 23 children which would be an expensive model.

19. On balance and as the evidence shows that reducing the PAN to 90 would not prevent a child moving into the area getting a school place and as parental preferences have already been met, I consider the request to reduce the PAN to be justified. I accordingly approve the proposed variation that the PAN is reduced to 90 for 2021.

Consideration of the arrangements

20. Having considered the arrangements as a whole it appeared to me that the matters below may not conform with requirements of the Code and so I brought them to the attention of the local authority.

- 20.1. A tie-breaker is necessary to decide between two applications that cannot otherwise be separated and is required by paragraph 1.8 of the Code. The majority of children for schools to which these arrangements apply will be admitted under the criterion based on the distance of the home from the school. A tie-breaker would apply when there are two or more children for one remaining place and all live exactly the same distance from the school. There is not a tie-breaker in the arrangements and so they do not comply with the Code in this regard.
- 20.2. The process for applying for admission outside of the normal year of entry is not clear. Paragraph 14 of the Code says, "In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated." Paragraph 2.17 of the Code says, "Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group." With regard to the admission of children outside their normal year of entry the arrangements give helpful background information,

but I could see nothing which explained the process for requesting such an admission and this makes the arrangements unclear and not in conformity with the specific requirements of paragraph 2.17. The arrangements therefore do not comply with the Code in this matter.

20.3. The arrangements state that waiting lists will be maintained until 17 December. This does not conform with paragraph 2.14 of the Code which requires that waiting lists are maintained until 31 December.

21. The local authority did not respond in relation to these matters. The local authority must amend its arrangements so that these matters are addressed and the arrangements are compliant with the Code. I note further that this obligation applies in relation to the admission arrangements for all primary schools for which the local authority is the admission authority.

Determination

22. 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 Havering for Mead Primary School for September 2021.

23. I determine that the published admission number for the school will be 90.

24. I have also considered the arrangements under section 88I(5) of the Act and find that they do not comply with requirements relating to admission arrangements in the ways set out in this determination.

25. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

Dated: 27 May 2021

Signed:

Schools adjudicator: Deborah Pritchard