

DETERMINATION

Case reference: VAR707

Admission Authority: The Governing Body of St Mary's Church of England Primary School, Haringey

Date of decision: 13 June 2017

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the governing body of St Mary's Church of England Primary School, Haringey for September 2017.

I determine that for admissions in September 2017 the published admission number shall be 60.

The referral

1. The London Borough of Haringey, the local authority in which the school is sited, acting on behalf of the governing body of St Mary's Church of England Primary School (the school) which is the admission authority for the school, has referred a variation to the Adjudicator. The variation concerns the admission arrangements for the school, a voluntary aided school for pupils aged 2-11 years, for September 2017. The variation requested is to reduce the published admission number (PAN) of the school from 90 to 60 as there is a surplus of reception places in Planning Area 2 in Haringey, the area in which the school is located.

Jurisdiction

2. 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 variation prescribed] (a) refer their proposed variations to the

adjudicator, and (b) notify the appropriate bodies of the proposed variations.

I am satisfied that the proposed variation is within my jurisdiction.

Procedure

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

4. The documents I have considered in reaching my decision include:

- a. the local authority's form of referral of 24 March 2017 and supporting documents;
- b. the determined arrangements for 2017/2018 and the proposed variation to those arrangements;
- c. a copy of the local authority's composite prospectus for parents seeking admission to schools in the area in September 2017;
- d. correspondence from the faith body, the Diocese of London (the diocese);
- e. documents relating to the demand for pupil places in the area, downloaded from the internet;
- f. a copy of the notice informing the appropriate bodies about the proposed variation; and
- g. information from the school received 10, 11 and 18 May 2017.

Background and consideration of factors

5. There had been an increasing demand for reception places in Haringey since 2003. In consequence, the local authority had sought to increase capacity by temporary and permanent expansions of some schools. This school expanded from two to three forms of entry, following a statutory proposal to enlarge its premises which was approved for admissions for September 2015; the governing body set the PAN accordingly, having admitted 'bulge' classes in two previous years. However, information from the Greater London Authority (GLA) showing a reduction in the number of births in the area has caused the local authority to now project a surplus of reception places of *"between 1 to 2 forms of entry between 2016/17 and 2024/25 in Planning Area 2"*, the area in which the school is located. The local authority is concerned that there should not be financial difficulties for schools if they have to form a class for which there may not be pupils. It says in its Infrastructure Delivery Plan: *"While this reduction in overall demand is small it does mean that we need to carefully consider any planned provision/increase of places to ensure that we do not end up with a large surplus of places that is too high leading to financial and other difficulties for schools"*. It therefore has applied for this variation on behalf of the governing body after consultation with it.

6. The governing body and the diocese both confirm that they wish the arrangements to be varied for financial reasons. The school has explained: *“The financial impact is that the School will not need to recruit a new class teacher and a new teaching assistant. There will be no redundancies arising from this temporary reduction in numbers.”*

7. The local authority reports that, on National Offer day, 16 April 2017, for entry to the school in September it made 60 offers of places at the school. Of these, 51 were applicants for whom the school was their first preference, four were those for whom it was second preference and five were places for late applicants. The local authority says it is able to accommodate elsewhere any pupil that would have otherwise been placed at the school and has notified, on behalf of the governing body, all the parties required by the Code.

8. The governing body determined the admission arrangements for September 2017 on 3 December 2015. Regulation 17 of the School Admissions (Admissions Arrangements and Coordination of Admission Arrangements) (England) Regulations 2012 and paragraph 1.46 of the Code require an admission authority to determine arrangements by 28 February. When I looked at the admission arrangements, I considered that some aspects of them did not comply with the Code, for example the admission of children with an Education Health and Care Plan or Statement of Special Educational Needs and the information required on the Supplementary Information Form. I wrote to the school about these matters in exercise of my powers under section 88I of the School Standards and Framework Act (the Act) which provides for an adjudicator to consider whether admission arrangements which have come to the adjudicator’s attention conform with the requirements relating to admissions or not. The school’s governing body has taken immediate action to make the arrangements compliant with the Code, in accordance with the provisions of paragraph 3.6 of the Code which allows for arrangements to be varied in order to conform with the provisions of the Code or the legislation relating to admission.

9. I consider that the reduction in the PAN from 90 to 60 is necessary as the places are not required by the local authority. Retaining a PAN of 90 could cause the governing body to incur unnecessary expenditure if it had to recruit an additional teacher whose services may not be required. This is because the regulations which govern infant class sizes require the employment of an additional teacher if an infant class size exceeds 30. I am satisfied that the proposed variation addresses the circumstances described.

Conclusion

10. The governing body set admission arrangements for the school, including the PAN when it considered the school was increasing in size, however, the places are not required for September 2017 so I consider it necessary to reduce the PAN to 60 and therefore approve the requested variation.

Determination

11. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by the governing body of St Mary's Church of England Primary School.

12. I determine that for admissions in September 2017 the published admission number shall be 60.

Dated: 13 June 2017

Signed:

Schools Adjudicator: Miss Jill Pullen