



**Office of
the Schools
Adjudicator**

DETERMINATION

Case reference: VAR709

Admission Authority: The London Borough of Haringey for Risley Avenue Primary School Tottenham, London

Date of decision: 9 June 2017

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the variation to the admission arrangements determined by the London Borough of Haringey for Risley Avenue Primary School for September 2017.

The referral

1. The London Borough of Haringey, the local authority and admission authority for the school, has referred a variation for Risley Avenue Primary School, (the school) to the Adjudicator concerning the admission arrangements for the school, a community school for pupils aged 3-11 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 4 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 31 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. documents relating to the demand for pupil places in the area, downloaded from the internet;
- e. a copy of the notice informing the appropriate bodies about the proposed variation and responses to this notice; and
- f. correspondence from the school's governing body.

Background and consideration of factors

5. The local authority divides Haringey into areas for the purpose of planning school places; the school is in Planning Area 4. There had been an increasing demand for reception places in the borough since 2003. However, its current predictions of the need for reception places based on its School Place Planning report shows that fewer places are now required. The local authority is concerned that there should not be financial difficulties for schools if they must create classes for which they may not have applicants. 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 has therefore applied for this variation.

6. The local authority reports that on National Offer Day, 16 April 2017, for entry to the school in September 2017, it made 52 offers, of these 37 were applicants for whom the school was their first preference applications, three were those for whom the school was a lower preference and 12 were 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 all the parties required by the Code about this request for a variation.

7. The local authority determined the admission arrangements for September 2017 on 9 February 2016 in accordance with the provisions of regulation 17 of the School Admissions (Admissions Arrangements and Coordination of Admission Arrangements) (England) Regulations 2012 and paragraph 1.46 of the Code requires an admission authority to determine arrangements by 28 February. It had not consulted on reductions in the PAN at this time as the

evidence was not apparent and so could not make those changes it now requests.

8. The governing body has written in response to this request for a variation to *“strongly object to this request and be given the opportunity to keep our third form of entry.”* It argues that for the last five years it has admitted approximately 90 pupils at the start of the September term even when numbers were lower of National Offer day and has submitted the following data:

	PAN	Number Offered national Offer Day	Number admitted September	Number on time applications
2012/2013	90	90	90	182
2013/2014	90	66	91	184
2014/2015	90	90	90	217
2015/2016	90	90	89	232
2016/2017	90	79	86	214

9. The governing body does not share the view of the local authority that a reduction in the PAN will be advantageous. The local authority is concerned that the school will incur costs to create a class which may not have pupils; the governing body is concerned that the school’s budget, staffing and curriculum structure are based on a three form entry organization and it wishes to retain the option to recruit applicants over time and bring in some income over that which 60 pupils will generate. It says *“it is unlikely that we will fill three classes next academic year. We would rather run three smaller classes than lose a full £130,000 worth of funding. Even if we only get ten pupils for the third class it would generate £45,000. We’ve recently had to make five people redundant and want to avoid further redundancies.”* To support this opinion, it says it has a waiting list for year 1 places; has taken in at least 10 reception pupils in year since 2013 as in year transfers and *“this academic year we have taken 8 pupils into Reception and 50 pupils across the whole school”*.

10. The local authority’s response to these objections to the reduction of the PAN is to say that the head teacher did agree to the proposal, albeit reluctantly and that there are places in other nearby schools should 60 places be filled at this school.

11. The local authority is responsible for provision of pupil places and is anxious to avoid causing financial hardship to schools, and had discussed the

reduction of the PAN with the head teacher at the time it made this request for a variation. The governing body is responsible for the budget and financial matters at the school; it considers that a reduction in the PAN would be financially detrimental in the long term as the school is organised as a three form entry school, and is of the view that it can recruit pupils in the area over time by the admission of late entrants and in year admissions. It has not indicated how it proposes making any savings should the PAN be reduced.

12. I acknowledge the local authority has made this request to assist the school in avoiding possible financial hardship. However, managing the budget is the responsibility of the governing body and I consider its request to be able to maintain the class and curriculum organisation of the school is not unreasonable based on the experiences of previous years and its intentions to introduce a recruitment policy to encourage in year admissions. I consider the school should remain at 90 PAN and therefore do not agree to the request.

Conclusion

13. The local authority set admission arrangements for the school, including the PAN before the reduction in the demand for places became apparent. It is concerned that there may be financial difficulties for the school if the PAN is not reduced however the school is of the view that it may be able to recruit additional pupils over time and does not want to change its organisational arrangements as a three form of entry school. I therefore do not consider it necessary to reduce the PAN to 90 and do not approve the requested variation.

Determination

14. In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the variation to the admission arrangements determined by the London Borough of Haringey for Risley Avenue Primary School for September 2017.

Dated: 9 June 2017

Signed:

Schools Adjudicator: Miss Jill Pullen