



## **DETERMINATION**

**Case reference:** VAR739

**Admission Authority:** The governing body of Buxton School, London  
Borough of Waltham Forest

**Date of decision:** 14 December 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 Buxton School in Waltham Forest.**

**I determine that for admissions in 2017/2018 only, the published admission number for admission to the Reception Year shall be 90.**

### **The referral**

1. The governing body of Buxton School (the school) has referred a variation to the adjudicator about the admission arrangements (the arrangements) for the school for 2017/18 only. Buxton School is a Foundation school for pupils aged 3 to 16 years and has a foundation, the Buxton School Learning Trust.
2. The requested variation is that the published admission number (PAN) for admission to the Reception Year (YR) for 2017/18 should be reduced from 120 to 90. The school also requested that, in addition, the PAN should be reduced for Year 1 admissions. However, the school does not in fact have a PAN for Year 1. A PAN is set and applies only to normal years of entry, which for this school are YR and Year 7. Applications to Year 1 are, in the Code's terms, in year admissions and fall to be considered as such in the light of the numbers on roll at the time in that year and in light of the requirements of the School Admissions (Infant Class Sizes) (England) Regulations 2012 (the infant class size regulations).

### **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 to the PAN for YR is within my jurisdiction. Admission to other year groups which are not normal years of admission are not within my jurisdiction and I have not, therefore, considered the issue of admission to Year 1.

### **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 email of referral of 20 September 2017, which, because of an incorrect email link, did not reach the Office of the Schools Adjudicator (OSA) until 30 October 2017;
- b) the request for an in-year variation form;
- c) the determined admission arrangements for the school for admission in 2017;
- d) minutes of the school's governing body meetings at which the request for a variation was discussed and subsequently agreed;
- e) report of the local authority's school organisation and admissions board at which the proposals for variation were discussed and the recorded minutes;
- f) a copy of the local authority's booklet 'Starting Primary School 2017'; and
- g) the response to the consultation about the proposed reduction in PAN from the London Boroughs of Waltham Forest and Redbridge.

### **Background and consideration of factors**

7. The school is a foundation all-through school for 3 to 16 year olds. The governing body is the admission authority and therefore determines the arrangements for the school. The arrangements for admission in September 2017 were determined at a meeting of the governing body on 4 February 2016 and published on the school's website. The determined arrangements for the school show a PAN of 120 for YR admissions in 2017.

8. The minutes of the governing body meeting of 29 June 2017 record that the PAN for the school had been increased six years ago from 90 to 120 but that, in practice, the number admitted ranged between 100 and 110. There was concern that the increasing popularity of other schools in the area

and the increase in PAN of two local schools, appeared to have led to a reduction in the number of applications. At the time of the meeting, the number of allocations for places in YR for September 2017 was 92 but the headteacher confirmed on 7 November that only 83 pupils had started YR in September. With an intake in 2017 of 83 children, the school would only need to take another eight in-year admissions to necessitate a review of class sizes and the possibility of a fourth reception class in order to meet the requirements of the School Admissions (Infant Class Sizes) (England) Regulations 2012. This would result in difficult budget issues for the school as it would make it likely it would need to employ an additional teacher

9. Although the school determines its own admission arrangements, the headteacher emphasised, in the minutes of the meeting, that it was important to the school's governing body to work with the local authority and that she would have further discussions with them about the financial impact of maintaining spare capacity. It was agreed unanimously that unless there was a big increase in applications by September, a reduction in the PAN to 90 would need to be made.

10. The local authority of Waltham Forest reviewed pupil projections in the summer alongside late applications for a YR place. With this revised data submitted as part of its annual School Capacity return, the local authority considered that there were a few planning areas within the borough where primary schools could benefit from seeking in-year variations to reduce PANs so as to pre-empt any need to provide an additional class and/or employ an additional teacher as a result of having to admit one or two additional pupils.

11. The local authority's School Organisation and Admissions Board met on 6 July 2017 and the issue of reducing PANs at undersubscribed schools was discussed. At that meeting it was decided that a paper would be taken to the next meeting. At the next meeting of the School Organisation and Admission Board on 18 September 2017 a paper entitled 'Primary PAN Reductions' was tabled.

12. The paper explained that since 2007 the demand for primary school places had increased across the borough and therefore the PANs for a number of schools were increased to accommodate the 'bulge'. Birth rates peaked in 2013 and since that time have shown a decline. This has resulted in areas of the local authority where there are more primary places available than are actually required. Buxton School is in one of these areas. Numbers admitted into YR at the school for the last three years are as follows; 115 in 2014, 119 in 2015 and 89 in 2016. The school is in the Leyton South planning area with five other primary schools in the area and three additional primary schools just over the planning area border. The local authority calculated that there was likely to be between two to three forms of entry surplus in the local area to Buxton School. The variation request would set the PAN at a three form entry (that is a PAN of 90) and the school could then plan for this number in the knowledge that they would not have to provide a fourth YR class in order to comply with the requirements of the infant class size regulations.

13. Paragraph 3.6 of the Code states that "*Once admission arrangements have been determined for a particular school year, they cannot be revised by*

*the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified.”*

14. The school notified the London Boroughs of Redbridge and Newham as well as Waltham Forest. The London Boroughs of Redbridge and Waltham Forest commented they had no objection.

15. In view of the current and projected numbers for admissions I agree that a PAN of over 90 would mean that the in-year admission of a relatively small number of children may necessitate the establishment of a further YR class with the associated employment of another teacher and this would impact on the school's budget. A PAN of 90 would provide the opportunity to stabilise the finances. I agree this application for a variation to reduce the PAN to 90 for admissions in September 2017. The school has confirmed that it does not wish to change the PAN for 2018 which has been determined at 120.

### **Conclusion**

16. I agree with the school that the decline in admission numbers over the past three years constitutes a major change in circumstances. I conclude that the variation which the school has requested is necessary to support the effective running of the school and the stabilisation of the finances. It is necessary to reduce the PAN to 90 for admissions to YR in order to plan effectively for the future.

### **Determination**

17. 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 Buxton School in Waltham Forest.

18. I determine that for admissions in 2017/2018 only the published admission number for admission to the Reception Year shall be 90.

Dated: 14 December 2017

Signed:

Schools Adjudicator: Mrs Lorraine Chapman