



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: VAR754

Admission Authority: Croydon Council for Kensington Avenue Primary School, Thornton Heath, Surrey

Date of decision: 2 May 2018

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 Croydon Council for Kensington Avenue Primary School for September 2017. I determine that for admissions for the academic year commencing September 2017 the published admission number shall be 60.

The referral

1. Croydon Council (the local authority) has referred a proposal for a variation to the admission arrangements for Kensington Avenue Primary School (the school), for September 2017 to the Office of the Schools Adjudicator. The school is a community primary school for children aged 3 to 11 in the local authority area of Croydon.
2. The proposed variation is that the published admission number (PAN) for admissions in the academic year commencing September 2017 is reduced from 90 to 60.

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.

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 received 23 March 2018, supporting documents and further information in response to my questions;
 - b) the determined arrangements for 2017 and the proposed variation to those arrangements;
 - c) a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2017;
 - d) evidence that the governing board of the school has been consulted and extracts from the minutes of relevant meetings of the governing board;
 - e) a map showing the location of the school and other relevant schools; and
 - f) a copy of the letter notifying the appropriate bodies about the proposed variation and information on the comments received on the proposed variation from the appropriate bodies.

The proposed variation

7. Kensington Avenue Primary School is situated in the north west area of the local authority area of Croydon. The local authority area is in south London and is densely populated with over 30 primary schools within a three mile radius of the school.
8. The local authority experienced a period of increased demand for primary school places. This led to the expansion of some schools and new schools being opened. The forecasts for pupil numbers at the school for admission in September 2017 were not met; 66 children were admitted in September 2017 while the school has a PAN of 90.
9. The school asked the local authority to reduce the PAN from 90 to 60 for September 2017. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be changed if there is a major change of circumstance or certain other limited and specified circumstances. The local authority has told me that there has been an unexpected reduction in demand for places at the school. I will consider below whether the variation requested will deal with the change in circumstances of the school.
10. Paragraph 3.7 of the Code requires that relevant parties are notified of a proposed variation. The local authority has provided me with a copy of its notification on the proposed variation and the list of schools and other bodies to which it was sent. I have seen confirmation from the school that it supports the request for the variation. I am satisfied that all relevant bodies have been notified and that views expressed have been taken into consideration. I note that no body, apart from the school, made a response to the notification. I find that the appropriate

procedures were followed and the relevant parties notified.

Consideration of the case

11. When the local authority set the PAN for September 2017 on 18 January 2016 there were concerns about the increased demand for school places. The committee papers provided showed that the local authority was seeking to develop additional school places for both the primary and secondary school sectors. Pupil numbers for YR were expected to continue to rise until 2018. There were proposals in the committee papers, which were agreed, to increase the sizes of two other primary schools. It was also noted that the Department for Education was funding the opening of new schools in the area.
12. The number of children being admitted to the school for YR at the beginning of the academic year reduced as follows:
 - 89 in 2014
 - 88 in 2015
 - 76 in 2016
 - 66 in 2017
13. The minutes of the meetings of the governing board for the school record growing disquiet over the pupil numbers for YR and their potential effect on the school finances and the attendant risk of a deficit budget. I am assured that the school is fully supportive of the request to reduce the PAN from 90 to 60.
14. The school's reasons relate to the infant class size legislation and school funding. Infant class size legislation requires that, bar a few excepted cases, an infant class, meaning those where the majority will reach the age of 5, 6 or 7 during the school year, **must** not contain more than 30 pupils with a single school teacher.
15. Schools are largely funded on the basis of the number of pupils. If the number of pupils in YR is 66, for example, then the school will receive less funding than if there were 90 pupils. Infant class size legislation would mean that there must be (except in certain circumstances) at least three teachers for 66 children otherwise there will be more than 30 children to a teacher. This might mean, for example, three classes for YR of 22 pupils but the funding the school receives for 66 pupils may not be sufficient to meet the costs of three teachers and all the other attendant costs of three classes. The school is therefore concerned that there will be risks to its financial health unless the PAN is reduced to a figure which allows it to organise itself with classes of close to 30 children but no more than that number.
16. It is an unusual point at which to reduce a PAN as there is less than one term left of the academic year to which the PAN relates. Since September 2017 when 66 children were admitted to YR, the number of children has reduced and on 26 April 2018 the local authority informed me that there were 60 children in YR organised into two classes.

17. I understand the wish to prevent the school having financial problems which may be caused if it had to provide an additional teacher to meet the infant class size legislation if one or two more children were admitted to the school; this could be prevented by reducing the PAN to 60. I am satisfied that the proposed variation addresses the circumstances described.
18. I have also considered whether reducing the PAN to 60 would create difficulties for a child or children moving into the area in the coming weeks and needing a school place. The local authority has told me that within a one mile radius of the school there are 87 vacancies, not including those at the school.
19. Even if those places were not available, paragraph 2.15 of the Code, explains that one of the exceptions to the infant class size regulations is: "*children who move into the area outside of the normal admissions round for whom there is no other available school within a reasonable distance.*" I am therefore assured that it would be possible, if the PAN were reduced to 60, for a child moving into the area to secure a place either at another school within a reasonable distance or, if this were not possible, as an excepted pupil at the school.

Summary

20. The local authority has proposed a variation to the admission arrangements for the academic year commencing September 2017 which is that the PAN should be reduced from 90 to 60. This is supported by the school which seeks such a reduction to assist in the efficient management of resources at the school. There have been no concerns raised by those notified. I am assured that the variation will address the major change in circumstances.

Determination

21. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variation to the admission arrangements determined by Croydon Council for Kensington Avenue Primary School for September 2017. I determine that for admissions for the academic year commencing September 2017 the published admission number shall be 60.

Dated: 2 May 2018

Signed:

Schools Adjudicator: Deborah Pritchard