



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case reference:** VAR767

**Admission Authority:** London Borough of Waltham Forest for  
Edinburgh Primary School, Walthamstow

**Date of decision:** 17 July 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 the London Borough of Waltham Forest for Edinburgh Primary School, Walthamstow.**

**I determine that for admissions in September 2018 the published admission number shall be 60.**

### **The referral**

1. The London Borough of Waltham Forest (the local authority) has referred a variation to the Adjudicator about the admission arrangements for Edinburgh Primary School (the school), a community school for children aged 4 to 11, for September 2018. The variation is a reduction to 60 from the determined published admission number (PAN) of 90.

### **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 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”.*

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:
  - the local authority's form of referral of 4 July 2018 and supporting documents;
  - the determined arrangements for September 2018 and the proposed variation to those arrangements;
  - a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2018;
  - a copy of the letter notifying the appropriate bodies about the proposed variation;
  - evidence that the local authority had consulted the governing board of the school before making the variation request; and
  - information about the allocation of pupils to the school and neighbouring schools for September 2018.

## **Background**

5. In January 2017 the local authority determined its admission arrangements for the 2018/19 academic year, including the PAN for all community and voluntary controlled schools in Waltham Forest. The PAN for the school was set at 90.
6. The school was slightly undersubscribed in 2015 and 2016, as 86 and 83 children were admitted respectively. In 2017, the number dropped again: 78 children were allocated places at the school, but only 71 were admitted, due to families leaving the area prior to admission. There has been a significant change for September 2018, as 50 applicants made the school their first preference and 49 children are expected to be admitted into the reception year. A similar reduction in pupil numbers has been experienced by several other schools in the local authority's area. The local authority confirms that there is currently a surplus of places.
7. Following discussions between the school and the local authority's Commissioning Manager for School Places, the chair of governors requested that the local authority seek a variation to the PAN, to reduce it from 90 to 60 for one year. The reason for the request is that, in the words of the assistant head of the school, it would not be "*financially plausible to open a third class.*" I take this to mean that it would be financially challenging for the school to operate with three teachers (whether or not organised as two or three classes) in the

reception year. This would be necessary if the number of children admitted in September 2018 were to exceed 60, in order to comply with the regulations relating to the size of infant classes which require that, except in relation to certain specific exceptions, infants cannot be taught in classes of more than 30 with only one qualified teacher.

8. In accordance with paragraph 3.6 of the School Admissions Code, the local authority has informed the appropriate bodies of its proposal to reduce the PAN. One response was received, from a nearby primary school (Stoneydown Park), which expressed no objection to the reduction.

### **Consideration of the case**

9. I recognise that a reduction in PAN to 60 for September 2018 will be advantageous for the school as it will be able to make financial decisions without the uncertainty as to whether it will be necessary to employ a third teacher for the reception year. However, this must not be at the expense of parents and children who require a school place within a reasonable distance of their home.
10. The school is located in a densely-populated part of London, in which the distances between schools are small. On current numbers, a reduction in PAN to 60 would leave eleven places unfilled at the school. The local authority informed me that several other primary schools in its vicinity also have unfilled places. These include Stoneydown Park School (13 places) to the north of the school and Thomas Gamuel Primary School (12 places) and Sybourn Primary School (30 places) to the south. These figures reassure me that families that move into the area should not experience difficulty in obtaining a place at a local school.
11. The local authority make clear that the request for a reduction in the school's PAN is "*just for 2018/19.*" I consider that this is wise. The approval of this variation request should not be understood in any way as an endorsement of any longer-term change. PANs, as part of admission arrangements, must be determined annually. The local authority will undoubtedly need to take into account factors such as demographic forecasts and the physical capacities of schools (the school has capacity for at least three forms of entry, that is, 90 places in each year group) before making decisions about the future provision of school places in the area.

### **Summary**

12. A reduction in the PAN of the school from 90 to 60 for admissions in September 2018 will allow it to operate with two classes in the reception year, avoiding the need to have three classes, which would have a significant financial impact. There are sufficient unfilled places in the local area to ensure that children who subsequently require a school place can be allocated one within a reasonable distance of their home. For these reasons I approve the variation requested.

## **Determination**

13. 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 Waltham Forest for Edinburgh Primary School, Walthamstow.
14. I determine that for admissions in September 2018 the published admission number shall be 60.

Dated: 17 July 2018

Signed:

Schools Adjudicator: Peter Goringe