



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: VAR760 Rainham Village Primary School

Admission Authority: London Borough of Havering

Date of decision: 25 July 2018

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by London Borough of Havering for Rainham Village Primary School, Rainham, Essex.

I determine that for admission in September 2018 the Published Admission Number will be 60.

The referral

1. The London Borough of Havering (the local authority) has referred a variation to the Adjudicator about the admission arrangements for Rainham Village Primary School, a 3 to 11 community primary school in Rainham, Essex for September 2018. The referral requests a reduction in the Published Admission Number (PAN) from 90 to 60 for admissions in September 2018.

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”.

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

Procedure

4. In considering this matter, I have had regard to all relevant legislation, guidance and the School Admissions Code.
5. The documents I have considered in reaching my decision include:
 - a) the local authority’s letter of referral of 29 May 2018 and supporting documents;
 - b) the determined arrangements for the school 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 2018; and
 - d) a copy of the letter consulting the relevant bodies about the proposed variation.
6. I have also taken account of the information I received during a meeting I convened on 18 July at Havering Council offices in Romford. Two representatives from the local authority were present at the meeting; the headteacher gave her apologies.

Background and consideration of factor

7. The school is a 3 to 11 primary school. It is in the London Borough of Havering although its postal address is Rainham, Essex. The referral states that the expansion of the school was proposed as demand for places in the area has been increasing and is projected to continue particularly due to the impact of the ‘Rainham and Bean Housing Zone’ which will see 3500 new homes developed. Building work to expand the school accommodation is in process. Currently, the expansion of the nursery and some of the reception provision has been completed and work is ongoing to provide the additional accommodation required for the school to expand over the next seven years. When completed the school will be able to accommodate three forms of entry (that is 90 children) in each year group. The admission arrangements for 2018 and 2019 were determined with a PAN of 90. Delays in the housing development have meant that the increase in numbers has not materialised. The plan indicates that 200 units would be completed by the summer of 2018 and in reality, only 19 have been completed. The local authority, which is the admission authority for the school, has requested a reduction in PAN from 90 to 60 for September 2018.
8. The school and the local authority consider it financially unviable to arrange the 2018 reception cohort over three classes.

9. The local authority states that a reduction in PAN will not lead to a shortage of school places in the planning area as there are places available at other schools which can accommodate any in-year demand for a school place.
10. The current number of roll is 482 according to the Department for Education (DfE) figures. The local authority's documentation for reception admissions (YR) for September 2018 states that it was the intention of the local authority to increase the PAN from 60 to 90 for September 2017 but that it was actually increased from 60 to 90 for the September 2018 intake. The local authority provided me with a net capacity assessment for the school but based it on a PAN of 60 rather than the actual PAN of 90. They explained that the school expansion programme was not yet completed and therefore were unable to provide a capacity assessment for a PAN of 90.
11. For admission in September 2018 the local authority received 60 first preference applications for the school. Initially 65 places were allocated including three second preference applications, one fourth preference application and one allocated place outside of the parental preference list. Since the allocation, three families have refused places. Therefore, currently there are 62 pupils who have allocated places for September. Paragraph 2.12 of the Code makes clear that once places have been allocated, an admission authority **must not** withdraw an offer except in limited circumstances. Paragraph 1.4 of the Code makes clear that admission authorities can admit above PAN. I should make clear that nothing in this determination would allow the withdrawal of the offer of a place which has been made for the school. Infant class size is limited by paragraph 2.15 of the Code which states that *"Infant classes **must not** contain more than 30 pupils with a single school teacher unless under limited exceptional circumstances."* The local authority explained at the meeting on the 18 July that they usually experience some changes during the July/August period and that they expect the school to start the autumn term with 60 children in two reception classes. They indicated that should the number remain above 60 then financial contingency for an additional teacher would be sought from local authority finance and not from the school's budget. I am not in a position to make this a condition of approving the requested variation as it is not within my jurisdiction to do so. However, I note that the local authority representative stated at the meeting that if the number admitted is above the varied PAN of 60 then it is the local authority's responsibility to provide the additional funds required to accommodate this number.
12. In the delegated budget scheme, funds are allocated to the school based on a number of factors. Most important among these factors is the allocation of funds based on actual pupil numbers on roll. A sustainable financial plan based on 90 pupils in a year group where the numbers are actually only 60 would prove very difficult. I agree that this situation would render the school's budget financially unviable.
13. I therefore approve the variation requested by the local authority. The

PAN for admission to the school in September 2018 will be 60.

Conclusion

14. I agree with the local authority and the school that the delay in the building programme anticipated in the area which would have generated an increase in numbers of applications for September 2018 constitutes a major change in circumstances. I note that the admission arrangements for September 2018 have already been determined with a PAN of 90. I also agree that financial planning based on a PAN of 90 in September 2018 when only 60 pupils are to be admitted would be unviable. I conclude that the variation which the local authority has requested is sensible and I note that the arrangements for admission in September 2019 retain the PAN of 90 in anticipation of the completion of a large number of new houses in the area and a consequent increase in the number of pupils applying for the school. I therefore agree that the PAN for YR at the school should be 60 for admissions in September 2018.

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by London Borough of Havering for Rainham Village Primary School, Rainham, Essex.

15. I determine that for admission in September 2018 the Published Admission Number will be 60.

Dated: 25 July 2018

Signed:

Schools Adjudicator: Ann Talboys