



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: VAR792

Admission Authority: London Borough of Lewisham for Holbeach Primary School

Date of decision: 8 November 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 Lewisham for Holbeach Primary School for September 2019.

I determine that for admissions in September 2019 the published admission number (PAN) shall be 60.

The referral

1. The London Borough of Lewisham (the local authority) has referred a proposal for a variation to the admission arrangements for Holbeach Primary School (the school), for September 2019 to the Office of the Schools Adjudicator. The school is a community school for children aged 3 to 11.
2. The proposed variation is to reduce the PAN 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:
 - the referral from the local authority dated 10 Oct 2018 and supporting documents;
 - the determined arrangements for September 2019 and the proposed variation to those arrangements;
 - a copy of the local authority’s composite prospectus for parents seeking admission to schools in the area in September 2019;
 - a map showing the location of the school and other relevant schools;
 - a copy of an email notifying schools in the relevant area about the proposed variation; and
 - an email confirming that the governing board of the school supports the proposed variation.

The proposed variation

7. On 7 February 2018 the local authority determined its admission arrangements for September 2019, including the PAN for all community and voluntary controlled schools in the borough. The PAN for Holbeach Primary School was set at 90.
8. The table below shows the number of first preferences expressed for the school and the number of places allocated in the years 2015-2018.

Table 1: First preferences and allocations 2015-2018

September	PAN	Number of first preferences	Number of places allocated
2015	90	51	90
2016	90	60	90
2017	90	70	90
2018	90	50	63

In fact, there are only 60 children currently on roll in the reception year, organised in two classes.

9. The local authority reports that,

“There has been a reduction in the forecasted number of children in London as a whole and specifically in Lewisham Local Authority. This has been caused by a number of issues, (including Brexit, house prices and shortage of public housing).”

Across the borough as a whole, there is a 10 per cent over supply of primary school places, which is not evenly spread. The local authority expects to

require 168 fewer places in the reception year in September 2019. In the case of Holbeach Primary School, there has been a sharp reduction in demand and the local authority believes that 60 places will be sufficient.

10. The local authority also says that,

“the change in the funding formula has had a huge impact on the school’s budget meaning that any empty spaces in the school has a disproportionate effect on finances than in other parts of the country.”

When I asked for clarification of this statement, the local authority responded as follows:

“Holbeach (and Lewisham schools in general) will receive less money per pupil when the changes are made to the schools funding formula and therefore already be negatively affected financially even before you take empty spaces into account. Empty spaces will simply compound this further.”

11. The local authority seeks to ensure that the school will require no more than two reception classes in September 2019. It believes that it would be a serious financial problem for the school to have to operate with three reception classes, which would be necessary if the number of children admitted were to exceed 60 by a small margin, in order to comply with the regulations relating to the size of infant classes.

12. The PAN of the school was the discussed in both June and September 2018 at the local authority’s School Place Planning and Admissions Forum, which contains representation from stakeholders from across the borough. The local authority reports that *“schools were supportive of the attempts to control supply.”* In accordance with paragraph 3.6 of the Code, schools in the relevant area were informed of the proposed variation and no responses were received. It has been confirmed to me that the governing board of the school supports the proposed variation.

Consideration of the case

13. I recognise the financial pressures that many schools face. I am not convinced that the local authority has made a case that the school will be affected *“disproportionately”* by the existence of *“empty spaces”* but I do understand the financial benefits of seeking to reduce the school’s PAN to 60. In the light of the likely demand for places, a reduction in PAN to 60 for September 2019 will be advantageous for the school as it will not face the possibility of having to operate with *“three classes”* in the reception year, which the local authority believes would be financially unsustainable. In fact, the requirement would not be to have three classes; rather, it would be to have three qualified teachers as no more than 30 infant children can be taught by one teacher in order to comply with the regulations, subject to certain limited exemptions. The financial implications are very similar, however. I accept this argument. In reviewing the application for the variation, though, two matters gave me cause for concern.

14. First, the information provided in the local authority's composite prospectus includes the following statement,

"We are experiencing a significant increase in demand for places across the borough. We expect this growth to continue, and will need to increase the number of classes provided in our primary schools. Some schools may increase their admissions limit mid-year by agreeing to open a 'bulge class'."

This statement appears to be inconsistent with the information provided by the local authority in support of the proposal for a variation, which indicates that the demand for places is reducing.

15. In response to my enquiry, the local authority explained that the prospectus is out of date and that a downward trend in both school rolls and the demand for places has now been identified. I have been provided with a report to the council's Children and Young People Select Committee that provides revised pupil number forecasts. This is due, it is said, to,

"the Brexit effect; delays in major developments; spare capacity in out of borough secondary schools (including academies increasing their PANs); along with a subdued birth rate."

16. I accept the local authority's explanation, but I consider it unfortunate that a document intended to provide information for parents during this year's admission process contains misleading information.

17. My second concern related to families who might move into the area close to the school after places in the reception year have been allocated. If the PAN were to be reduced, the local authority expects all 60 places to be taken up in September 2019. The benefit to the school of a reduction in its PAN must not be at the expense of parents and children who require a school place within a reasonable distance of their home.

18. The local authority reports that there are 29 primary schools within a radius of two miles of Holbeach Primary School. It considers that two miles from home is a reasonable distance for a child aged four to seven to travel to school. There are currently 47 vacancies in total in the reception classes in these primary schools.

19. In a densely populated urban area with many schools, two miles seems to me to be a long distance to expect a young child to travel to school. Nevertheless, I am reassured that there are sufficient places in the vicinity should a parent be unable to obtain a place for their child at the school as a result of the proposed reduction of its PAN.

20. I note that following an expansion completed in 2015, the capacity of the school is 630, that is, 90 places in each of the seven primary school year groups. 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 no doubt continue to monitor closely the demographic trends in the borough, which appear to be rather volatile, before making decisions about the future provision of places at the school.

Summary

21. As a result of changing trends in pupil numbers, there is only likely to demand for around 60 places at the school in September 2019. A reduction in the PAN 90 to 60 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. It appears highly likely that there will be 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

22. 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 Lewisham for Holbeach Primary School for September 2019.

23. I determine that for admissions in September 2019 the published admission number (PAN) shall be 60.

Dated: 8 November 2018

Signed:

Schools Adjudicator: Peter Goringe