



DETERMINATION

Case reference: VAR827

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

Date of decision: 1 March 2019

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 2019 the published admission number shall be 60.

The referral

1. The London Borough of Waltham Forest (the local authority) has referred a proposal for a variation to the admission arrangements for Edinburgh Primary School (the school) for September 2019 to the Office of the Schools Adjudicator. The school is a community school for children aged 4 to 11 in Walthamstow.
2. The proposed variation is a reduction to 60 from the determined published admission number (PAN) of 90.

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 14 February 2019 and supporting documents;
- the determined arrangements for September and the proposed variation to those arrangements;
- a copy of the local authority's booklet (the composite prospectus) for parents seeking admission to schools in the area in September 2019;
- an email from the chair of governors of the school;
- a map showing the location of the school and other relevant schools;
- a copy of the letter notifying the appropriate bodies about the proposed variation; and
- a determination issued in respect of this school in July 2018 (Case reference: VAR767).

The proposed variation

7. The physical capacity of the school is sufficient for it to accommodate 90 children in each of the seven primary year groups, that is, from the reception year (YR) to year 6 (Y6). This allows for three classes in each year group. As the table below shows, in recent years the number of children admitted to the school has been reducing.

Table 1: Admissions to Reception Year 2015-2018

	Admission number	Number admitted
2015/2016	90	86
2016/2017	90	83
2017/2018	90	71
2018/2019	60*	51

** See paragraph 8 below*

8. For admission in September 2018, the local authority received 50 applications that named the school as the parents' first preference. In July 2018, the local authority requested, by way of a variation to the school's admission arrangements, that the PAN be reduced from 90 to 60. I approved this variation for reasons that can be found in determination VAR767.
9. For admission in September 2019, the local authority has received 41 first preference applications. It does not expect the demand for places at the school to exceed 60, when other preferences and late applications are taken into account. It has requested that the PAN for September 2019 be reduced to 60 from the figure of 90, which it determined on 21 February 2018.
10. The local authority reports that

“demand for school places has dramatically reduced in the local area.”

It explains that demographic changes within the borough have had the effect of reducing the availability of *“social housing.”* A reduction in the PAN will, the local authority says,

“enable the school to have a secure future and produce a fully funded financial plan.”

I take this to mean that having a PAN of 60 would enable the school to plan to operate with two classes, with two qualified teachers, for children in YR in September 2019. If the PAN were to remain at 90 but the number of children allocated places in YR exceeded 60, even by a small margin, such a structure could not be maintained, due to the regulations relating to the size of infant classes.

Consideration of the case

11. I recognise the benefits to the school that a reduction in its PAN for admission in September 2019 would bring. When I was considering the local authority's request for a reduction in the PAN for the school for September 2018, I sought assurances that places would be available in other local schools in the event that parents might not be able to obtain a place at Edinburgh Primary School. The local authority identified several schools that had unfilled places. Details can be found in determination VAR767.
12. I consider it very unlikely that Edinburgh Primary School will admit 60 pupils in September 2019. 51 children were admitted to YR in September 2018 and there are significantly fewer first preference applications for September 2019 than there were for 2018. If I am wrong about this, the overall reduction in demand for school places reported by the local authority reports suggests strongly that places in other local schools will again be available. Waltham Forest is an urban area where schools are located close to one another. I therefore do not expect parents and children requiring places in YR in September

2019 or later in the academic year to face unreasonably long journeys to school if they are unable to obtain a place at Edinburgh Primary School.

13. The chair of the school's governing board expressed his support for the proposed reduction in the school's PAN. In accordance with the requirements of the Code, the local authority notified the appropriate bodies about its request for a variation. It reports that no responses were received.
14. Taking into account the reduced demand for places both at the school and across the borough as a whole, I approve this request for a reduction in the school's PAN for September 2019.
15. The local authority told me that it has determined a PAN of 90 for the school for admission in September 2020. I was puzzled by this, as it seemed to me that the pattern of declining numbers of applications for places at the school, which the local authority appears to expect to continue, suggests a lower PAN would be appropriate. The local authority explained its decision as follows:

"If nearer the time it is decided that a PAN reduction is required this will be addressed upon more up to date information."

16. Although it does not affect my decision with regard to the request to vary the 2019 arrangements, I consider that what the local authority appears to be planning to do is inappropriate. An admission authority has the responsibility of determining its arrangements, including the PAN, in accordance with the timescale set out in the Code, which allows for consultation with appropriate stakeholders (if arrangements are proposed to change) and objections to be considered, prior to the time when applications for admission are made. When parents make applications for admission, they will naturally expect that the admission number for each school will be the one that has been published by its admission authority and included in the composite prospectus.
17. The local authority's request for a variation to the 2019 arrangements includes a table that indicates that it expects the number of places to be required at the school in September 2020 to be 60. Its response in paragraph 15 above suggests that if the demand for places proves to be at or below this figure (and I share its confidence that this will be the case), another variation to the school's PAN, for the 2020 arrangements, presumably to reduce the PAN to 60, will be requested. This would be the third successive year that the same variation would have been sought. This approach, if I have interpreted correctly the local authority's intentions, is, in my view, not helpful to local parents, who will have decided upon the expression of preferences for schools on the basis of the admission numbers published at the time when they made their applications. Requesting a variation to determined arrangements should be regarded as an exception, necessitated by a wholly unexpected event or outcome, not part of a strategy for the planning of school places.

Determination

18. 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.

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

Dated: 1 March 2019

Signed:

Schools Adjudicator: Peter Goringe