



DETERMINATION

Case reference: VAR813

Admission Authority: London Borough of Waltham Forest for Thorpe Hall 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 Thorpe Hall Primary School for September 2019.

I determine that for admissions for the academic year commencing 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 Thorpe Hall Primary School (the school), for September 2019 to the Office of the Schools Adjudicator. The school is a community primary school for children aged 3 to 11 in Walthamstow.
2. The proposed variation is that the published admission number (PAN) determined for admissions in 2019 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 30 January 2019, supporting documents and responses to my queries;
 - b. the determined arrangements for 2019 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 2019;
 - d. an extract from the minutes of the meeting on 28 January 2019 of the governing board for the school and a paper considered by the board on this matter;
 - e. a map showing the location of the school and other relevant schools;
 - f. a copy of the letter notifying the appropriate bodies about the proposed variation (no comments were received);
 - g. information on the websites of the Department for Education, the school and the local authority; and
 - h. a determination issued in respect of this school in November 2017 (Case reference: VAR737) (the previous determination).

The proposed variation

7. The school is in an urban area with eight state-funded primary schools admitting children to reception year (YR) within one mile and around 60 such schools within three miles. The local authority said it increased the PAN for the school from 60 to 90 in 2014 following two years when children had been admitted over the PAN of 60 to accommodate the demand for places. The local authority said, *"The increase in PAN was to facilitate a short term demand in reception places and the prediction of a demand in pupil places due to housing developments in the local area."*
8. In 2017 the local authority requested a variation to the PAN so that it was reduced from 90 to 60 for admissions in September 2017 and September 2018. The previous determination approving the variation said that the local authority suggested that the fall in numbers was due to a decline in the availability of social housing in the area and the expansion of a local primary academy school.
9. The local authority has explained in the current case that an anticipated increase in the number of children seeking a school place has not materialised. The local authority told me that this related to an increase in the numbers of professional people wishing to live in

the area and a resultant increase in rental values. The local authority associates this with a decrease in the number of families with children living in the area.

10. The local authority said that the school was staffed for three forms of entry (based on three groups of up to 30) but the actual number of admissions was below 60 in 2017 and 2018. The local authority said that the school is at risk of a deficit budget and that a reduction in the PAN from 90 to 60 for 2019 will “*enable the school to have a secure future and produce a fully funded financial plan.*”
11. Paragraph 3.7 of the Code requires that relevant parties be 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 find that the appropriate procedures were followed and the relevant parties notified.

Consideration of the case

12. Section 14 of the Education Act (1996) requires that every local authority secures sufficient school places for the children in its area. Local authorities forecast the need for school places and consider this against the provision available in order to plan appropriately to fulfil this duty. The local authority considers a number of factors to inform its forecasts. These include the number of births in the area annually; the pattern of the number of births in the area each year compared with the number of children who enter YR in a school in the area; and the potential for new homes to become available thus possibly increasing the number of families with children.
13. The local authority plans school places for the school as part of a group of four schools in the same vicinity (the planning area). Table 1 shows the pattern of admissions to YR to the schools in the planning area.

Table 1: the number of children admitted to YR in the planning area for the school in recent years.

School	PAN 2019	Number admitted 2016	Number admitted 2017	Number admitted 2018
Chapel End Infant	90	86	78	69
Selwyn Primary	90	90	85	79
Oakhill Primary	30	32	31	29

School	PAN 2019	Number admitted 2016	Number admitted 2017	Number admitted 2018
Thorpe Hall Primary*	90*	74	58	57
Totals	300	282	252*	234*

*The PAN for the school was set, following the previous determination, at 60 for 2017 and 2018. The local authority set the PAN at 90 for 2019.

14. Table 1 shows a reducing number of children admitted to YR in the planning area since 2016. In 2017 and 2018 the sum of the PAN for the four schools was 270 (following the previous determination). In 2018, 234 children were admitted to YR so there were 36 surplus places and in 2017, 252 children were admitted to YR so there were 18 surplus places in the planning area.
15. This is for the third year in a row when a variation to the PAN has been requested so that the PAN is reduced from 90 to 60. This third request for a variation is significant because of the timing and the legal context. The timing is significant because the closing date for applications for YR was 15 January 2019 and that date had passed before this request for a variation was made. Parents when making their application would have expected that there would be 90 places available at the school. If the PAN had been set at 60 then this could have affected the preferences made by parents.
16. Paragraph 3.3c of the Code prohibits *“objections about a decision by the admission authority [the local authority] of a voluntary controlled or community school to increase or keep the same PAN unless the objection is brought by the governing body of the school.”* This means that if I agree that this variation can take effect then no consultation is needed for the PAN to remain at that level, except with the governing board for the school which must be consulted on the PAN every year. In addition, no body, except for the governing board, could object to the PAN remaining at that level. It is therefore desirable that a reduction in PAN is consulted on and determined in the normal way. This would ensure a proper consultation and that parents know the actual number of places that will be available when stating their preferences.
17. The local authority explained that, *“although the arrangements were determined just one year ago we have experienced a significant drop in reception numbers and there are a lot of families leaving the Borough. Additionally the housing growth is not generating as many additional pupils as originally expected since many developments have been changed to one bedroom flats which attract fewer families.”*

18. I will now consider the implications of the proposed variation for the school. The local authority said that it seeks this variation to “*enable the school to have a secure future and produce a fully funded financial plan.*” I am assuming that this refers to the challenges of planning class sizes. Paragraph 2.15 of the Code says, “*Infant classes (those where the majority of children 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. Additional children may be admitted under limited exceptional circumstances.*” The implications of this can be significant for a primary school and so admission authorities often seek to admit children in multiples of 30 or in numbers which can lead to infant classes of no more than 30 children.

19. In 2017 and 2018 there were admissions to the school of 58 and 57 respectively. These numbers lend themselves to two classes with a qualified teacher of just below 30 children to each class. If the PAN were 90, any child of the right age who requested a place in the admission year **must** be admitted. If more than 60 children were admitted, and the children were not excepted children under The School Admissions (Infant Class Sizes) (England) Regulations 2012 (the infant class size regulations), then the school would need to make other arrangements so that all infant aged children in YR had a qualified teacher in groups of 30 or fewer. This could mean having to establish three classes when the number of children did not make this financially viable. The school could arrange the children into mixed aged classes but if the school knew that it would have a maximum of two classes for YR children then it could plan more effectively. I therefore understand why the governing board supports this proposed variation.

20. In order to agree this variation, I wished to be confident that there would be sufficient places in YR for those living in the area. I therefore asked the local authority to provide me with its forecast pupil numbers for the planning area. Table 2 shows the forecasts for the planning area and a comparison of the forecasts against the sum of the current PANs and the sum of the proposed PANs in order to show the potential number of surplus places.

Table 2: the local authority forecast for the demand for places in YR for the planning area compared against the potential number of places

Year	2018	2019	2020	2021
Local authority forecast	234 (actual)	256	247	246
PAN 2019 as determined	270 (actual)	300	300	300
Difference with current PAN	36 surplus places (actual)	44 surplus places	53 surplus places	54 surplus places

Year	2018	2019	2020	2021
PAN 2019 if variation made	As above	270	270	270
Difference with reduced PAN	As above	14 surplus places	23 surplus places	24 surplus places

21. Table 2 shows that the local authority has forecast that there will be 44 surplus places if the PAN remains at 90 for admissions to YR in 2019 and 14 surplus places in the planning area if the PAN is reduced to 60 for 2019. Fourteen places in the planning area provides a surplus of over five per cent. I am therefore given some assurance that there will be sufficient places for YR in the immediate area if the PAN for the school is reduced to 60.

Summary

22. The local authority has proposed a variation to the admission arrangements for the academic year commencing September 2019 which is that the PAN should be reduced from 90 to 60. This is supported by the governing board 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

23. 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 Thorpe Hall Primary School for September 2019.

24. I determine that for admissions for the academic year commencing September 2019 the published admission number shall be 60.

Dated: 1 March 2019

Signed:

Schools Adjudicator: Deborah Pritchard