



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: VAR804

Admission Authority: Ealing Council for Derwentwater Primary School, Acton, Ealing

Date of decision: 6 March 2019

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements for 2019 determined by Ealing Council for Derwentwater Primary School, Acton, Ealing.

I determine that for admission in September 2019 the Published Admission Number will be 60.

The referral

1. Ealing Council (the local authority) has referred a variation to the Adjudicator about the admission arrangements at Derwentwater Primary School, Acton, Ealing (the school). The school is a maintained community primary school for 3 to 11 year olds in the Acton area of the Borough of Ealing. The referral requests a reduction in the Published Admission Number (PAN) from 90 to 60 for admissions in September 2019.

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 referral of 17 December 2018 and subsequent correspondence;
- b) the determined arrangements for primary schools in the local authority;
- c) comments on the variation from the school;
- d) a copy of the local authority's booklet for parents seeking admission to schools in the area in September 2019; and
- e) a copy of the letter consulting the relevant bodies about the proposed variation.

Background and consideration of factors

6. The school is a 3 to 11 local authority maintained school. It is in the Acton planning area within the London Borough of Ealing. The school is a community school so the admission authority is the local authority and the admission arrangements for admission in September 2019 were discussed and determined by the Cabinet of the local authority on 13 February 2018.

7. The referral states that a borough-wide review of reception age places took place in October 2018. The review coincided with the October census and therefore provided an accurate number of children across all the planning areas and within each school year in the local authority's area. The local authority found that there are surplus places across four of the planning areas including the Acton Planning Area in which the school is situated; it considers this a major change in circumstance and the information prompted this request. The school reports that the area has a "*highly mobile*" population and the local authority wanted to plan for September 2019 using the most up to date figures.

8. There are eleven primary schools in the Acton Planning area. Currently the Published Admission Numbers (PANs) provide for 720 places in reception (YR). In September 2018 667 pupils were admitted to the YR of the schools. This is a surplus of 53 places which constitutes 7.4 per cent. The local authority seeks to reduce this surplus by reducing the PAN of one of the eleven schools.

9. The school currently has a PAN of 90. In September 2018 there were 45 first preference applications to the school and for September 2019 there have also been 45. In September 2018, 72 places were allocated to YR of the school. I asked the local authority where the additional twelve children

would have been placed if the PAN for the school had been 60 rather than 90. The local authority explained that all these twelve places were lower preference applications who would have been accommodated at nearby schools. The schools which they would have been allocated places each show that the intake in YR was below the PAN and therefore these pupils could have been accommodated.

10. In a letter of the 8 February, the school states that there are currently 68 pupils in YR. The school explains that, in previous years, when the PAN was reached or nearly reached, they have organised YR over three class groups. With reduced numbers and the restriction in infant class size, the school is continuing to teach YR over three classes. As funding is dependent on pupil, numbers the school says that three classes are simply not affordable and therefore a reduction in PAN would support financial planning and avoid a deficit budget. The school hopes that numbers will increase in the future and that they can then return to three forms of entry.

11. The local authority has undertaken a consultation process in preparation for setting the 2020 PANs across its schools. This consultation proposes the reduction in PAN for the school from 90 to 60. The local authority states that no negative responses were received during the consultation. The council has subsequently determined the arrangements for admission in 2020 and these arrangements incorporate the reduction in PAN as requested.

12. The variation request is therefore to reduce the PAN for September 2019 in anticipation of the previously determined reduction for September 2020.

13. I understand why the local authority waited until after the census in October 2018 in order to assess accurately the planned levels of surplus places. I am satisfied that there are sufficient places available in the area for all the children who are applying for a place in September 2019 and I agree that it is not financially viable to arrange YR of the school over three class groups. I therefore approve the variation requested by the school. The PAN for admission to the school in September 2019 will be 60.

Conclusion

14. In order to maintain a viable number of classes in the school I approve the variation request to reduce the PAN from 90 to 60 for September 2019.

Determination

15. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements determined by Ealing Council for Derwentwater Primary School, Acton, Ealing.

16. I determine that for admission in September 2019 the Published Admission Number will be 60.

Dated: 6 March 2019

Signed:

Schools Adjudicator: Ann Talboys