



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case reference:** VAR808

**Admission Authority:** Ealing Council for Wolf Fields Primary School,  
Southall, Middlesex

**Date of decision:** 4 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 Ealing Council for Wolf Fields Primary School for September 2019.**

**I determine that for admissions for the academic year commencing September 2019 the published admission number shall be 30.**

### **The referral**

1. Ealing Council (the local authority) has referred a proposal for a variation to the admission arrangements for Wolf Fields 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 years.
2. The proposed variation is that the published admission number (PAN) should be reduced from 60 to 30 for admissions in 2019.

### **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 and information I have considered in reaching my decision include:
  - a) the referral from the local authority received 24 December 2018, supporting documents and responses to my questions;
  - 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) a copy of the communications consulting the governing board of the school and the governing board's comments on the consultation;
  - e) a map showing the location of the school and other relevant schools; and
  - f) a copy of the letter notifying the appropriate bodies about the proposed variation and the comments received in response to the notification.

### **The proposed variation**

7. There are 12 other state-funded primary schools within one mile of the school also admitting children into reception year (YR). The local authority describes the area as having a *"very mobile population."*
8. This request for a variation in the admission arrangements is one of five similar ones being made for community primary schools spread across the local authority area. The local authority explained that the major change in circumstances that has occurred since the arrangements were determined is *"a larger than expected drop in the number of applications for reception in 2018 [sic] due to higher rates of out migration."*
9. The local authority said that the reduction in PAN from 60 to 30 for 2019 for this school and reductions to the PANs for the other four schools concerned was proposed to *"assist the school governing bodies to plan for long term stability, a consistent structure and a sustainable financial position, providing a secure foundation for high quality educational outcomes for all pupils."*
10. Paragraph 3.6 of the Code requires that admission arrangements, once determined, may only be changed, that is varied, if there is a major change of circumstance or certain other limited and specified

circumstances. I will consider below whether the variation requested will address the change in circumstances.

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 note that one other school made a response to the notification and that response was supportive. The school's governing body supports the reduction in PAN. I find that the appropriate procedures were followed and the relevant parties notified.

### **Consideration of the case**

12. First of all I will consider the evidence that there will be sufficient school places if I approve this proposed variation. I will then consider the effect of the proposed reduction in the PAN on parental preference and the efficient operation of the school.
13. The local authority produces forecasts of the demand for school places as part of its duty to secure sufficient school places in the area. The forecasts are partly based on clusters of schools and their vicinities, which are known as the planning areas, as well as across the whole of the borough. The school's planning area contains nine primary schools and these are less than a mile from each other. Clearly parents can choose to travel considerably further than this when they state their preferences for a school place but in the local context this is a reasonable planning tool. The next nearest community primary school for which a variation in the PAN has been requested is over three miles away from the school so this is unlikely to have any implications for my determination and I am content to base my decision on the planning area information provided by the local authority.
14. The local authority forecasts the number of school places that will be needed in YR by using the number of births in a planning area combined with estimates of future patterns based on a three year average of births across the borough. The local authority then considers the patterns of retention based on a three year average to estimate the proportion of children likely to remain in the planning area from birth to YR.
15. On this basis the local authority provided a forecast for the planning area for the school shown in Table 1 below. Table 1 also shows the difference between the sum of the existing PANs of the schools in the planning area and the forecast demand for places in YR. This difference provides the possible number of future surplus places in the planning area.

Table 1: the local authority forecast for places in the planning area for the school considered against the sum of the PANs of the schools in the planning area

Year	Sum of current PANs of schools in the planning area (assuming no changes for any school)	Local authority forecast for demand for places in YR in the planning area	Difference between forecast and sum of PANs (potential number of surplus places)
2018	510 (actual)	448 (actual)	62 (actual)
2019	510	415	95
2020	510	419	91
2021	510	440	70

16. Table 1 shows that there were 62 surplus places for admissions to YR in 2018 in the planning area. This is a surplus of 12 per cent. The forecast is that this surplus is likely to increase. I am therefore assured that if the PAN were reduced from 60 to 30 then there would be sufficient places in YR for the children living in the area because there would still be around 65 surplus places, or 13 per cent surplus places, if these 30 places were removed.

17. Table 2 provides information on the number of first preferences for the school and the number of places allocated. This shows that the number of first preferences and the number of places allocated for the school were below 30 in three of the last four years of admissions. I am therefore assured that if the PAN were reduced to 30 then parental preference is unlikely to be frustrated. It is unfortunate that the variation will take effect after parents have stated their preferences for 2019.

Table 2: number of children admitted to YR in September and the number of first preferences made

September	PAN	Number of first preferences	Number of children admitted
2015	60	15	18
2016	60	35	36
2017	60	13	20
2018	60	19	22

18. Paragraph 3.6 of the Code says, “*Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances.*” The local authority explained that this was a major change in circumstances, even though the pattern of admissions has been considerably below the PAN in each of the past two years. The explanation was that it had waited to consider whether to apply for a variation to the PAN for 2019 until the numbers admitted to YR in 2018 were clear, given the tendency in the area for admissions after the normal point of entry. The numbers of children attending schools are collected on a census date in October each year. The local authority consulted with the governing board on the proposed variation when data from the census was available as the census provided the most accurate figures available.
19. 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 of the school. In addition, no body, except for the governing board, could object to the PAN remaining at that level. The local authority has told me that it has consulted on setting the PAN at the school at 30 for admissions in 2020 and that there were no responses.
20. I will now consider why the variation was requested. The local authority explained that the number of children attending a school affects its ability to run efficiently and effectively. 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 as I will consider below.
21. In September 2018 there had been 22 places allocated for YR. However, by the census date in October that year the school had 29 children on roll in YR. This increase reflects the high mobility described by the local authority above. The school established one class with one qualified teacher. As the PAN is 60, any child of the right age who requested a place in the admission year **must** be admitted. If more than 30 children were admitted, and the children were not excepted children under The School Admissions (Infant Class Sizes) (England) Regulations 2012, then the school would need to make arrangements so that no infant aged children were being taught in groups of more than 30 with a single qualified teacher. Schools are largely funded by the number of children attending and infant class sizes between 25 and 30 children are likely to be financially viable.

22. It is possible for schools to adapt to different cohort sizes by creating mixed age classes or additional single age classes. However, such potential variables during the school year could make it harder for the school to plan efficiently and could impinge on the effective provision of education by requiring changes to class organisation during the school year. It is therefore understandable that the local authority seeks a PAN that does not require the school to admit more than 30 children and that the governing body supports this.
23. I have considered the reasons for the request for the variation in the determined admission arrangements so that the PAN is reduced from 60 to 30 for admission in 2019 to YR. I am assured by the evidence provided to me that:
- a) there will be sufficient school places in the area for children requiring a place in YR in 2019 if the PAN is reduced from 60 to 30 as there is a forecast surplus of 95 places in the immediate area for YR in 2019;
  - b) reducing the PAN to 30 will not negatively impinge upon parental preference as the pattern has been that fewer than 30 families have named the school as their first preference in the last two years; and
  - c) reducing the PAN to 30 will make it more likely that the school can plan its provision effectively and economically.

### **Summary**

24. 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 60 to 30. 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**

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

26. I determine that for admissions for the academic year commencing September 2019 the published admission number shall be 30.

Dated: 4 March 2019

Signed:

Schools Adjudicator: Deborah Pritchard