



Office of
the Schools
Adjudicator

Determination

Case reference: ADA3553

Objector: The governing board for Cleveland Road Primary School, Ilford, Essex

Admission authority: London Borough of Redbridge for Cleveland Road Primary School

Date of decision: 27 August 2019

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2020 determined by the London Borough of Redbridge for Cleveland Road Primary School.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination unless an alternative timescale is specified by the adjudicator. In this case I specify that the arrangements must be revised within one month of the date of the determination.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the adjudicator by the governing board for Cleveland Road Primary School about the admission arrangements for September 2020 (the arrangements) for Cleveland Road Primary School, a community primary school for children aged between 3 and 11 years. The objection is that the consultation on the arrangements was flawed and that the published admission number (PAN) has been reduced from 120 in previous years to 90 for 2020.
2. The parties to this objection are:
 - a. the governing board for Cleveland Road Primary School (the school); and

- b. the London Borough of Redbridge which is the admission authority for the school and the local authority area in which the school is situated (the local authority).

Jurisdiction

3. These arrangements were determined under section 88C of the Act by the local authority. The school submitted its objection to these determined arrangements on 3 May 2019. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction.

Procedure

4. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).

5. The documents I have considered in reaching my decision include:

- a. the form of objection, documents provided to support the objection and further information provided at my request by the objector;
- b. the local authority's response to the objection, supporting documents and further information provided at my request including information on other primary schools in the area such as their PANs, the number of children admitted to reception year (YR); and the forecast of the number of YR places required;
- c. information available on the websites of the local authority and the Department for Education, including "*Basic need allocations for 2021: explanatory note*";
- d. information on the most recent consultation on the arrangements including the report on the consultation to inform the local authority's decision on the reduction in PAN;
- e. copies of the minutes of the meeting of the local authority at which the arrangements were determined;
- f. a copy of the determined arrangements; and
- g. a determination issued in respect of this school in May 2018 (case references: ADA3354, ADA3356 and ADA3358) written by me which I shall refer to as my previous determination.

The objection

6. The local authority consulted on setting the PAN for the school at 90 for 2020, which is a reduction from a PAN of 120 in 2019 and previous years. The school says that the consultation linked the proposed reduction in PAN at the school with a proposed reduction

in PAN at another school which had requested a lower PAN and so the consultation was flawed.

7. The local authority set the PAN at 90 for 2020. The school says that its PAN should remain at 120 as in previous years as it is an outstanding and popular school. The objection is therefore both that the consultation was flawed and to the PAN being set at 90 for admissions to YR in 2020.

Background

8. The London Borough of Redbridge is in east London. The school is in Ilford which is to the south of the local authority area. I note that the school has an Essex postal address but it is within the area of the Borough of Redbridge. Cleveland Road Primary School was formed following the expansion of a former junior school (Cleveland Road Junior School) to include a former infant school (Cleveland Road Infant School); the two schools operated from the same building which is now used by the school. Cleveland Road Infant School closed on 31 December 2015 and its pupil body transferred to the new primary school. Cleveland Road Infant School had a PAN of 90 and Cleveland Road Junior School a PAN of 140.

9. The local authority explained that it had had to manage increased demand for primary school places in previous years. As part of this it had expanded several schools and had planned to expand the school and had gone some way towards this by increasing the PAN to 120. However, the local authority is now finding that there is reduced demand for places in YR.

10. The local authority set the PAN for the school at 120 for 2016, 2017 and 2018 and then at 90 for 2019. The school and two parents objected to the Schools Adjudicator. The objections had two aspects: namely, that the consultation on the reduction in PAN was flawed and that the PAN had been set at 90. I considered these objections and in my previous determination upheld the objections so the PAN for 2019 was 120.

11. Ofsted judged the school to be outstanding for the second time in its report issued in December 2018. The school has told me that it has entered into a 'soft' federation with a nearby school, Gordon Primary School, so that there is one executive headteacher for the two schools. The two schools plan to enter into a 'hard' federation so that there is one governing board for the two schools from September 2019. Gordon Primary School was, until September 2016, an infant school with most of its pupils being admitted to the previous Cleveland Road Junior School on the completion of their key stage one education. Gordon Infant School expanded to become Gordon Primary School by retaining its children year on year with the effect of more than doubling its capacity as it continued with a PAN of 60.

Consideration of Case

The consultation

12. I will consider the consultation aspect of the objection first. I asked the local authority to provide me with detailed information on its consultation on the reduction in the PAN. The information provided to me by the local authority shows that the local authority consulted on several changes to the arrangements for its community and voluntary controlled schools for 2020 including the reduction of the PANs of two schools, the school and Mayespark Primary School. In both these instances, the local authority proposed that the PAN should be reduced from 120 to 90. The governing board for Mayespark Primary School had requested a reduction in its PAN for 2020 as fewer than 90 children had been admitted annually to YR in recent years.

13. The local authority wrote to the school, with individual letters to the headteacher and the chair of the governing board, dated 8 October 2018. The letters said that the local authority was consulting on reducing the PAN for the school so that it would be 90 for 2020 and that the consultation was commencing on 8 October 2018 and would end on 16 November 2018. All other papers provided to me by the local authority use the same dates. Paragraph 1.43 of the Code says that consultation **must** last for a minimum of six weeks. The minimum period of six weeks makes 42 days. The consultation undertaken by the local authority lasted for 39 days so did not comply with the Code in this regard.

14. The local authority provided me with:

- a. the consultation document explaining the proposed changes and their rationale;
- b. an online questionnaire to gather views on the proposed changes (the survey);
- c. emails with links to the consultation document and the survey. The emails were sent to all schools with admission authorities other than the local authority, neighbouring local authorities and the representatives of religious bodies for schools with a religious character;
- d. information on an advertisement publicising the need to apply for admission to school and by when. This included an alert to proposed changes to admission arrangements. The advertisement appeared in two newsletters published by the local authority in the autumn of 2018. The newsletters were sent to every house in the local authority area. The relevant section of the advert said, “ *We will be asking you soon to tell us what you think about some suggested changes to the way applications for school places can be made, as well as letting us know what you think of everything else in the admission arrangements, for all applications for a school place from September 2020 to July 2021. Look out for the consultation information on the Redbridge and FiND websites and make sure that you let us know your views by filling in the on-line survey, which you can complete on the Redbridge website anytime from 8 October to 16 November* ”

2018. You can talk to your local Children's Centre or school about this annual consultation and the best way for you to tell us what you think. Make sure that you have your say!"

- e. an explanation of how social media was used to bring the attention of people to the consultation; and
- f. a copy of a newsletter (known as RedPen) sent to schools' administration addresses (but not directly to their governing boards) which brought the attention of schools in the local authority area to the consultation and provided the relevant links.

15. The local authority's letters to the headteacher and chair of the governing board also said, *"Our colleagues in Early Years are supporting all parents and carers who attend Children's Centres in Redbridge to complete the survey, to ensure that we are able to capture the views of our most hard to reach residents."*

16. There were, therefore, ways that parents of children between the ages of two and eighteen, as required by paragraph 1.44a of the Code, might have become aware of the consultation including the newsletters sent to all households although of course these were not specific on the changes proposed. Efforts were made to make sure that the various bodies listed in paragraph 1.44 of the Code, which **must** be consulted, were informed of the consultation.

17. The survey which accompanied the consultation had a section on the reduction of the PANs of the two schools described above. The section explained that the only changes proposed to admission numbers for 2020 were two schools; the school and Mayespark Primary School. With regard to the school the section said, *"We are proposing to reduce the published admissions number (PAN) at Cleveland Road Primary School from 120 to 90, as pupil projections and pupil place numbers show that there will be a surplus of places in the local area, which is expected to continue for several years."* The section on Mayespark Primary School explained that this change was at the request of the governing board of the school because *"The Governors consider that it is unlikely more than 90 will be admitted in the foreseeable future, as there is no potential for growth in the immediate area of the school, given a large part of it is a conservation area."*

18. This section then, using tick boxes, asked to what extent did the responder agree or disagree with this proposal. The governing boards of both schools wrote to the local authority saying that this was misleading as these were two proposals, not one, and asked how the responses could be understood in relation to each school. I note that both these letters were sent at the end of the consultation period although the school said that it understood that their concerns had been raised by others with the local authority at an earlier date. It was, of course, the responsibility of the local authority to make sure that its survey for the consultation asked unambiguous questions which permitted of intelligent consideration and intelligible responses.

19. It is apparent that it would be possible to agree with the proposal to reduce the PAN at one school and disagree with the proposal to reduce the PAN at the other but the survey did not allow this response except through comments and I will consider these below. In its objection the school said if the proposals had been separated then it would have been easier to express opposition to the proposal for the school. My view is that containing two different matters within one question could make it more difficult for people to respond. I also note that it was possible for responses to be made by email to the consultation but none have been provided to me or referred to in the summary report on the consultation.

20. On 12 February 2019 the local authority informed the school a recommendation had been made to the local authority's Cabinet, which is the decision making body on admission arrangements for the local authority, for its meeting that day, that the PAN for the school should be reduced to 90. A report summarising the consultation and the feedback received were provided to the Cabinet to inform its decisions on the recommendations on the arrangements. The recommendations separated out the proposed reductions in PAN for the two schools.

21. The section in the report to the Cabinet on the reduction in the PANs explained, *"Whilst acknowledging Cleveland Road Primary School's popularity and the quality of education the school currently provides, it must be accepted that the overall demand for places has reduced considerably and there is now a surplus of primary places in the local area."* The report then describes the support of the governing board of Mayespark Primary School to the reduction in its PAN.

22. The report then continues as if one proposal had been made as it says, *"There were 134 responses to this proposal. 30.14% were in favour of the proposal, confirming either their strong agreement (11.76%) or agreement (18.38%). 51.47% disagreed."*

23. It is clear that the local authority either had not been able to or had chosen not to differentiate the responses to the two changes proposed in one set of questions. The survey, which was the main means of responding to the consultation, was flawed in that it combined two matters creating a lack of clarity as to what the responses meant. The report also said, *"Thirty respondents commented on the proposal, with twenty-five opining the reduction in parental choice in the area if a preferred school, Cleveland Road Primary School, had reduced admission numbers."*

24. In the report to Cabinet there is reference to the objections made by the school and others to the proposal to reduce the PAN for 2019 and to my previous determination. The previous determination is quoted at some length giving the reasons why I upheld the objections to the setting of the PAN at 90 for 2019. There is, however, no reference in the report to the Cabinet to the fact that the governing board of the school did not support the proposal to reduce the PAN for the school for admissions in 2020 even though the view of the governing board for the school, opposing the reduction, had been provided to the local authority on 16 November 2018. This contrasts with the reduction of the PAN at Mayespark Primary School as the support of its governing board is reported. There is, therefore, no explicit information on the opposition of the governing board for the school to the reduction.

25. The local authority has taken measures to meet the requirements of the Code on consultation when it consulted on changes to its admission arrangements for 2020. It has used means that might have alerted those listed in paragraph 1.44 of the Code to the proposed changes. However, the consultation failed to meet the requirements of the Code because it did not last for the required minimum of six weeks. I also note that it combined two proposals and treated the responses as if there were one which could have made it more difficult to respond and certainly made it difficult to understand what the responses meant. Furthermore, the Cabinet, the decision-making body for the admission authority, received a report which could not clearly express the views received on the proposal for the school's admission arrangements and did not clearly explain the opposition of the governing board so the responses made to the consultation could not be properly taken into account.

26. I uphold the part of the objection that the consultation failed to conform with the requirements of the Code and I note also that it was flawed in the ways outlined above.

Reduction in PAN

27. I will now consider the part of the objection that is to the setting of the PAN at 90 which is a reduction from the PAN of 120 used in previous years. In summary the points made by the school in its objection (dated 3 May 2019) were:

- a. the school is very popular and children have been admitted to its PAN of 120 each year. There are 76 children on the waiting list for admission in September 2019 of whom 50 live within 0.6 kilometres of the school;
- b. the school is the only local authority maintained primary school judged as outstanding by Ofsted in what the school describes as "*the community*". The school was judged as outstanding for the second time in December 2018 so it "*seems strange that a school offering successful provision is being required to reduce numbers, effectively punished, to sustain other local schools which are undersubscribed*";
- c. there is no school at risk of closing if the PAN were to be maintained at 120 (this was suggested as a risk by the local authority during the previous objection). Gordon Primary School, described by the school as the most "*vulnerable*" to surplus places, is in a soft federation with the school. The two schools share an executive headteacher and plan a hard federation from September 2019. The rationale for the federation includes providing "*acceptable alternatives for parents in the community*" given that the school is oversubscribed with a PAN of 120;
- d. a reason given by the local authority for the reduction is avoiding the capital cost of an additional classroom space and the school does not find this convincing. The school said that the condition of the kitchen and dining facilities means that capital investment is required whatever the PAN and believes that the addition of an additional classroom could be achieved economically at the same time; and

- e. there is risk to staffing (and thus potentially the quality of the educational provision) in terms of recruitment and retention if the PAN were reduced. Factors relating to the effect on staff are not matters that I can take into account as they are not germane to the issue of the conformity of the admission arrangements to the Code and legislation.

28. The local authority explained in its consultation that *“We are proposing to reduce the PAN at Cleveland Road Primary School from 120 to 90, as pupil projections and pupil place numbers show that there will be a surplus of places in the local area, which is expected to continue for several years.”* No other information was provided. The report recommending the lower PAN to Cabinet (as above) said, *“the key consideration must be the wider impact on all schools due to the overall reduction in demand, balanced with the efficient use of public resources.”*

29. I asked the local authority to comment on the objection and to provide a wide range of information in order to provide me with evidence to consider this case. In summary the local authority explained that:

- a. it plans the provision of places based on a planning area which consists of 23 schools, including the school, which admit children to YR (the planning area).
- b. the combined sum of the PANs in the planning area for YR is 2100 for 2020 (with the reduction from 120 to 90 in the PANs for the school and Mayespark Primary School) and it has forecast the demand for places in YR in 2020 in the planning area as 2264 so showing a projected shortfall of 164 places in the planning area. However, there is movement of children into and out of the planning area including into and out of other local authority areas and over the whole local authority area there is a forecast surplus of 42 places for 2020.

30. I note that a surplus of 42 places, with provision for 4,470 YR places across the local authority area, is just under one per cent. This does not seem to me to be a high proportion of surplus places given that local authorities are expected to retain some flexibility for those moving into the area and to facilitate parental preferences. I do recognise that forecasting the demand for pupil places is complicated and will, particularly in a densely populated London borough, be affected by children attending schools other than in their local authority area. For example, in 2019 there were 4022 places offered for YR by the local authority which included 150 to children living outside the local authority area. In addition, 276 children living in the local authority area were allocated places outside of the local authority area.

31. If the PAN for the school was set at 120 then this would give a forecast of 72 surplus places which would be 1.6 per cent surplus places. The Department for Education document, *“Basic need allocations for 2021: explanatory note”*, refers to the need for two per cent surplus capacity *“to provide an operating margin for local authorities. This helps to support parental choice, pupil population movement, and general manageability of the system.”* I note that the forecast would give a surplus below this implied by the Department

for Education's document but that in 2019 and previous years there have been considerably more surplus places in schools in YR than one might have anticipated from the forecasts. The data provided to me for places allocated in 2019, for example, shows ten schools in the planning area as being undersubscribed, some considerably. As at 27 June 2019 there were 327 vacancies in the planning area which is quite a different picture to that provided by the forecast for 2020.

32. The local authority is concerned about the effect of surplus places on these other schools and names Gordon, Uphall, Winston Way and Woodlands Primary Schools. The number of children admitted to each of these four schools in 2018 was considerably below PANs and the pattern is expected to be the same for 2019. All four are in the same planning area as the school and within one mile of it. There will be a variety of reasons why parents prefer certain schools and this is an urban area with many primary schools within short distances. There are, for example, 15 state funded schools admitting children to YR within one mile of the school. Of these 15, four have been judged as outstanding by Ofsted (including the school). Unsurprisingly all four admitted to PAN in 2017 and 2018 and expect to do so in 2019.

33. I asked the local authority if it had considered reducing the PAN at any other schools because of its concern over surplus places. The local authority explained that it was not the admission authority for ten of the 23 schools in the planning area and so not in a position to propose this. Seven of the 13 schools for which the local authority is the admission authority have filled to PAN in all or some recent years, including the school. For two schools, Mayespark (as above) and the school, the local authority has reduced the PAN. The local authority told me, *"We are keeping the PANs for the other schools under review, but it makes no sense for an admission authority to reduce the number of places in good schools that have already been expanded, like Uphall Primary, to spend more money on expanding other schools, like Cleveland Road Primary, at a time when there are significant pressures on public funds."* I note that Uphall Primary School was judged to require improvement by Ofsted in September 2018. The PAN for Uphall Primary School was 150 in 2017, 2018 and 2019 with around 116 places allocated for each of those years and so around 34 surplus places in each year group.

34. I note that appeals have been held for places in YR at the school in recent years (I was told of seven being held for admissions in 2019 with the PAN at 120). The local authority told me that there were 18 unsuccessful first preferences for the school for 2019 on national offer day (15 March 2019). There is clear evidence that a PAN of 90 would frustrate the school preferences of a significant body of parents. I am not satisfied that it is appropriate or reasonable to reduce the PAN at the school, and thus reduce the opportunity for parental preferences to be met, solely in order to increase the numbers at other, less popular schools even if they have had capital invested to expand their capacity. I will consider other reasons the local authority has given for its decision below.

35. Both parties cite Gordon Primary School, which is planned to enter into a hard federation with the school from September 2019. It has a PAN of 60 and fewer than 30 children were allocated places in 2017 and 2018. The local authority told me that Gordon Primary School was within 0.7 miles walking distance of the school and said, *“By promoting the hard federation between the schools, the Council believes that it has listened to local residents and secured a way to provide 60 more places under the management of Cleveland Road Primary School, without a significant impact on public resources and with a positive effect on both schools.”* The local authority confirmed that as of 27 June 2019, 41 places had been allocated for Gordon Primary School which, with a PAN of 60, means 19 surplus places and probably two classes of around 20 (because of the requirements of the Infant Class Size Regulations) with a qualified teacher each. This would be challenging financially for any school as schools are largely funded based on the number of children admitted. I understand that considerable capital investment was made into Gordon Primary School as it doubled in size when it was expanded from an infant school to become a primary school in September 2016 and retained its PAN of 60.

36. The school said that part of the rationale for the hard federation was to *“provide alternative, improved provision for some parents in our community, given that Cleveland is over-subscribed.”* I do not consider that the planned federation with Gordon Primary School, which will remain a separate school, is sufficient justification to reduce the number of places at the school and so frustrate parental preference.

37. I will now consider the other arguments made by the local authority for reducing the PAN to 90 for 2020 and these relate to the capital investment which would be needed at the school. My previous determination considered the capacity of the school and my conclusion, quoted by the local authority in its report to its Cabinet, was that the school has already enough accommodation to accommodate a PAN of 120 in 2019, 2020 and 2021 but not 2022. This was because a PAN of 120 can be considered as four classes of 30. The school has seven year groups. Four classes to a year group and seven year groups creates a total of 28 classes. The school has 27 classrooms. It has one year group of 90 pupils who were admitted when the relevant PAN was 90 (this was the PAN for the previous infant school on the site). This has meant that the school has six year groups with four classes and one year group with three classes making a total of 27 classes. The year group with 90 pupils will leave in the summer of 2022 and so the school does not have sufficient classrooms to accommodate a PAN of 120 for YR in 2022 (absent some unexpected change in the interim such as a much lower level of demand for YR places in 2020 and/or 2021).

38. The local authority told me that it would be necessary to plan capital investment now to make it possible for the school to accommodate a PAN of 120 in 2022. It has also argued that the cost would be, taking into account the necessary ancillary spaces, in the area of £5 million. As the local authority assesses that there will be surplus places across the local authority area it is unable to seek basic need capital funding to meet this cost and would not judge it good use of public funding to do so. Basic needs funding is largely designed to provide additional school places where there is a forecast shortage. In the process existing

facilities may be improved, for example to provide more infant toilets or play space it may be possible and necessary to replace and upgrade such facilities as well as expand them. It is a different argument as to whether it is good use of public funds to expand the number of places the school can accommodate compared to upgrading existing facilities at the school.

39. The school said that the investment into the ancillary spaces is necessary as the school stands now and that adding to the budget to build an additional classroom would not be a high cost. My jurisdiction is for 2020 in this case. The PAN is set annually so the PAN set for 2020 does not prevent the local authority setting a different PAN for future years although it would need to consult if it wished to reduce the PAN. When a local authority sets the PANs for the community and voluntary controlled schools for which it is the admission authority, it must consult the relevant governing boards. Paragraph 1.3 permits the governing board of a community or voluntary controlled school to object to the adjudicator if the PAN is set lower than it would wish. However, no other body could object if the PAN were to remain the same. In other words, if the PAN set for 2020 were to remain at 90 then no person or body, except for the governing board for the school, could object to the PAN remaining at 90 for future years. The local authority made it clear, as explained in my previous determination, that it wished for the PAN to be set at 90 and remain at 90 for future years.

40. Table one below shows the PAN for each year group as of summer term 2019; this shows that as the school has admitted to PAN in all years that the number on roll as at July 2019, would have been approaching 870 pupils. This is because there are older year groups in the school from when the previous junior school had a PAN of 140 and the local authority continued to admit additional children into Year 3 after the school became a primary school. When there were two schools in the same buildings, the former Cleveland Road Infant and Cleveland Junior Schools, there would have been around 830 pupils because of three year groups with a maximum of 90 (based on YR PAN of 90 for the infant school) and four year groups with a maximum of 140 (based on Y3 PAN of 140 for the junior school). Overall therefore, the local authority, as the admission authority, has admitted children so that there have been well over 800 children using the same school buildings for many years.

Table one: the PAN for each year group as at summer term 2019

Year	YR	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	total
PAN at point of entry	120	120	120	90	140	140	140	870

41. The junior school had classes of around 35 pupils and this continues in the older year groups in the primary school. A PAN of 90 would reduce the number of children in the school over seven years from around 870 to 630 which is a reduction of 240 places. The school may or may not wish for a PAN of 120 for 2022 but my jurisdiction is for 2020 and so I am considering only the practicalities for that at this point. The school has 870 children in

27 classrooms and the local authority intends to set the PAN so that the school, over time, would have 630 children (assuming 21 classes of 30) rather than 810 (assuming 27 classes of 30) which would reduce the number of places by 180. This is a considerable difference to the current offer so I wished to understand the implications for capital expenditure if the school had a PAN of 120 for 2020. I therefore asked the local authority to clarify whether:

- a. if the PAN were set at 120 for 2020 would the local authority have to invest in infrastructure which would cost in the area of £5 million? or
- b. if a PAN of 120 was set for every year group then would the local authority have to invest in an additional classroom and infrastructure which would cost in the area of £5 million? or
- c. if the school reduced in size over time with a PAN of 90 then would the local authority not have to invest any capital monies in the school?

42. The local authority told me that *“If the school reduces over time with a PAN of 90, the building work wouldn’t be needed. The change to facilities like the catering areas would be needed for the larger school population, whereas the current arrangements are adequate for the smaller size school.”* The school disagreed with this response saying, *“The change to catering facilities has nothing to do with a larger school population. It has to do with the poor state of the current building - officers of the local authority are aware of this.”*

43. There is a complicated history of planned capital developments at the school and its predecessors and there is little consensus between the school and the local authority on what is required. I am not able to judge what capital expenditure is needed for infrastructure, nor do I have the power to commit any body to capital expenditure. The evidence is, however, that the school is currently accommodating around 870 children in 27 classrooms and providing an outstanding education as recently judged by Ofsted. As the admission authority, the local authority has admitted numbers of children for many years that lead to the buildings, as shown above, accommodating well over 800 pupils. The school wishes to continue to offer 120 places each year and there has been no evidence provided to me that it is impractical to do so for 2020.

44. I understand that the local authority has invested capital into other schools in order to meet anticipated demand which has not materialised. The local authority has told me that it wishes to make best use of that capital investment and not invest capital monies in the school when there are surplus school places elsewhere. However, the school can accommodate a PAN of 120 in 2020. On the basis of the evidence provided to me I do not consider that anticipating the school’s lack of sufficient classrooms to accommodate a PAN of 120 in 2022 justifies reducing the PAN for admissions in 2020 when the evidence shows it will frustrate parental preferences to attend the school as shown by the demand for places.

45. Paragraph 3.1 of the Code gives me the power to determine by when arrangements should be revised to give effect to my decision. In this case I am aware that parents will

start making their applications for 2020 in September 2019 and that the amendment of the PAN is a simple change for the local authority to make. I therefore specify that the arrangements should be revised within one month of the date of this determination.

Summary of Findings

46. The consultation did not meet the requirements of the Code as it did not last for the minimum six weeks required by the Code. Furthermore the consultation was flawed as the consultation survey combined two separate proposals which made it difficult to respond clearly; and the report on the consultation did not differentiate the responses to the two separate proposals or report the view of the governing board to the decision-making body of the local authority and so the responses to the consultation were not properly taken into account.

47. The local authority's justification for setting the PAN at 90 is:

- a. to divert pupils to other, less popular schools; and
- b. to avoid making a capital investment in the school when it has recently invested in other local schools which have surplus places.

48. The school is oversubscribed with a PAN of 120 in 2019 and has the capacity to accommodate a PAN of 120 in 2020. The local authority's reasons do not justify frustrating parental preferences in 2020 as no capital investment is required to admit 120 children in 2020.

Determination

49. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2020 determined by the London Borough of Redbridge for Cleveland Road Primary School.

50. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination unless an alternative timescale is specified by the adjudicator. In this case I specify that the arrangements must be revised within one month of the date of the determination.

Dated: 27 August 2019

Signed:

Schools Adjudicator: Deborah Pritchard