



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** VAR880

**Admission authority:** London Borough of Southwark for Crawford Primary School

**Date of decision:** 20 September 2019

### Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by the London Borough of Southwark for Crawford Primary School for September 2019 and September 2020.

I determine that the published admission number is 60 for 2019 and 2020.

### The referral

1. The London Borough of Southwark (the local authority) has referred proposals for variations to the admission arrangements for September 2019 and September 2020 for Crawford Primary School (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 3 to 11 in Southwark.
2. The proposed variations are that the published admission number (PAN) should be 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 variations are 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 dated 28 June 2019, supporting documents and further information provided at my request;
- b. the determined arrangements for 2019 and 2020 and the proposed variations to those arrangements;
- c. evidence that the governing board for the school has been consulted;
- d. a map showing the location of the school and other relevant schools;
- e. information available on the website of the Department for Education;
- f. a copy of the letter notifying the appropriate bodies about the proposed variations and information on the responses received; and
- g. a previous determination following a request to vary the determined arrangements (case reference: VAR818).

## The proposed variations

7. The local authority proposed a variation to the arrangements for the school that the PAN should be reduced to 60 from 90 for 2019. I considered this proposal and my determination said, *“The variation is not approved because it was proposed at a very late stage of the admissions process after parents had made their preferences and some children would not be admitted to the school, which was their highest preference school with places available to them, if the PAN were reduced. The circumstances do not justify the variation proposed.”* This was on the basis that at that time the local authority told me that 64 children had been allocated a place at the school for September 2019. This previous determination was published on 9 April 2019.

8. The local authority made a subsequent proposal that the PAN for 2020 should be reduced to 60 because of the reducing numbers of children seeking admission to reception year (YR). The referral also said that the local authority expected that fewer than 60 children would actually take up a place at the school for 2019 even though more had initially been allocated a place there and, following communications with the Office of the Schools Adjudicator, the local authority amended its referral to include a proposal that the PAN for 2019 should also be reduced from 90 to 60.

9. 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 variations requested will address the change in circumstances.

10. Paragraph 3.6 of the Code also 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 variations and the list of schools and other bodies to which it was sent. I am satisfied that all relevant bodies have been notified and that views expressed have been taken into consideration. I have been given evidence that the governing board has been consulted on the proposals. I find that the appropriate procedures were followed.

## **Consideration of proposed variations**

11. There is no formal consultation required for a variation and so parents do not have the opportunity to express their views. Once the PAN has been set then no body, except the governing board of a community or voluntary controlled school, can object to the PAN remaining the same. The effect of this in this case would be that, as the PAN has not yet been set for 2021, approving a reduction for 2020 to 60 would allow the PAN to continue to be 60 in 2021 and subsequent years without the consultation that would normally be required before a PAN can be reduced. It is appropriate that in these circumstances I consider future years. It is also desirable that changes are made following consultation whenever possible and, as I say above, this is a normal requirement before a PAN reduction. As this has not occurred in this case I have examined the available data in some detail. The messages from the data are more straightforward for 2019 as the allocations have already been made; I will consider 2019 first.

12. My primary consideration is whether there will be sufficient places for local children if I agree the proposed variations. At the time of my previous determination 64 children had been allocated a place at the school for 2019, which was why I did not agree that the PAN should be reduced to 60 as four children would have had to be displaced to other schools. However, the local authority informed me that there are now 60 children allocated a place at the school so no child would be displaced if I agree the proposed variation for 2019.

13. The local authority has a duty to make sure that there are sufficient school places. It plans for this on the basis of groups of schools. The school is considered together with ten other schools admitting children to YR (the planning area). All but one of these schools is within one mile of the school. The sum of the PANs of the schools in the planning area is 660. As at 15 July 2019, 581 children had been allocated places at schools across the planning area so 79 places remained. If the PAN were reduced to 60 for 2019 then 49 surplus places would remain. This would be nearly eight per cent of the reduced sum of the PANs (630) of the schools in the planning area. This is illustrated in Table 1 below.

14. The school is situated on the very edge of the local authority area. There are 23 other state funded primary schools admitting children to YR within one mile of the school

including some located in the area of Lambeth Council. The local authority notified Lambeth Council of its request for the variations and received no expressions of concern.

15. On the basis of the information provided to me I am assured that there would be sufficient YR places for local children for 2019 if the PAN were reduced to 60.

16. I will now consider the proposal to reduce the PAN to 60 for 2020. The timing of the proposed reduction and of this determination means that parents will know how many places are available before they state their preferences by the closing date of 15 January 2020. There is easily enough time for the local authority to ensure via its website and other means that local parents know how many places will be available at Crawford. This is a considerable improvement on requesting a variation after parents have expressed their preferences.

Table 1: comparison of the number of proposed places with demand

	2019 allocations	2020 forecast	2021 forecast
Sum of the PANs for the planning area if the PAN for the school is reduced to 60	630	630	630
Forecast demand for YR places	581	578	580
Forecast number of surplus places	49	52	50
Number of surplus places as a percentage	7.7	8.3	7.9

17. Table 1 shows that there would remain a generous proportion of surplus places within a short distance of the school if the PAN were reduced to 60 for 2020 and that this would continue to at least 2021. I therefore have no concerns that there would be insufficient places for local children if the PAN were reduced to 60 for 2020.

18. I will now consider the reasons for the proposed variations. The local authority explained that the number of children in the area requiring a place in YR has been reducing. Due to Infant Class Size Regulations, infant classes must not contain more than 30 children with a single teacher except under limited exceptional circumstances. If the PAN remained at 90 and over 60 children were admitted to the school and the school wished to retain classes solely for YR, it would be necessary for the school to have three teachers for possibly just over 60 children. As schools are largely funded by the number of children admitted, this is likely to be financially challenging for the school.

19. I have been given assurance that there would be sufficient school places if the PANs for 2019 and 2020 were reduced from 90 to 60. I understand that it would be advantageous to the school and the education it provides if it could plan on the basis of knowing that it

would not have to admit over 60 children. The proposed variations are justified in the circumstances and I therefore approve the proposed variations.

## **Determination**

20. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by the London Borough of Southwark for Crawford Primary School for September 2019 and September 2020.

21. I determine that the published admission number is 60 for 2019 and 2020.

Dated: 20 September 2019

Signed:

Schools Adjudicator: Deborah Pritchard