



Office of
the Schools
Adjudicator

Determination

Case reference: VAR911

Admission authority: London Borough of Lambeth for Stockwell Primary School, London

Date of decision: 14 February 2020

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined by the London Borough of Lambeth for Stockwell Primary School for September 2020.

The referral

1. The London Borough of Lambeth (the local authority) has referred a proposal for a variation to the admission arrangements for September 2020 for Stockwell Primary School (the school), to the Office of the Schools Adjudicator. The school is a community school for children aged 2 to 11 in Stockwell, London.
2. The proposed variation is that the published admission number (PAN) 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. Paragraph 3.6 of the Code also requires that relevant parties be notified of a proposed variation and that the governing board of a community school such as this

one be consulted. 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 along with evidence of consultation with the governing board. 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 I am accordingly 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). The documents I have considered in reaching my decision include:
 - a. the referral from the local authority dated 10 January 2020, supporting documents and further information provided in response to my enquiries;
 - b. the determined arrangements for 2020 and the proposed variation to those arrangements;
 - c. evidence that the governing board for the school has been consulted;
 - d. maps showing the location of the school and other relevant schools; and the home locations of those attending YR in December 2019 and the positions of other primary schools;
 - e. information available on the websites of the local authority and the Department for Education; and
 - f. a copy of the letter notifying the appropriate bodies about the proposed variation; and comments received on the proposed variation from the appropriate bodies.

The proposed variation

6. The chair of the governing board for the school wrote to the local authority on 22 November 2019 asking that the PAN for the school should be reduced from 90 to 60 for admissions in 2020. Following the local authority notifying the relevant bodies as required by paragraph 3.6 of the Code, the local authority made a request for a variation that the PAN for the school should be reduced from 90 to 60. This was one of six requests for variations to the admission arrangements of community primary schools, including for the school. In each case the variation requested is that the PAN should be reduced.

Consideration of proposed variation

7. 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 is justified by the change in circumstances.

8. The Code requires a public consultation for a change to most aspects of admissions arrangements. This is not required when the change is made through a variation because a variation is to meet a major change in circumstances since the arrangements were determined. Parents and others with an interest therefore do not normally have an opportunity to express any views on the proposed variation. Moreover, once the PAN has been set for a community school such as this one, the only body that can object if the PAN remains the same in subsequent years is its governing board. My jurisdiction is for the arrangements for 2020. However, the PAN has not yet been set for 2021 and in these circumstances, it is appropriate to consider other years beyond 2020. This is because a reduced PAN – which has been set without the consultation which would be required by the Code if the PAN were to be reduced in accordance with normal procedure – would be able to continue without scope for future challenge. It is important to consider in that context whether the places removed might be wanted in future years and, if so, if there are good reasons to justify their removal. I note that in this context that the local authority has consulted on setting the PAN at 60 for 2021.
9. I have therefore scrutinised the data to try to ascertain if there will be sufficient school places in the local area if the PAN is reduced from 90 to 60; and considered the demand for places at the school and the effects on parental preference of such a change; the reasons given for the change; and whether the change is justified in these circumstances. The timing is also pertinent as parents have already stated their preferences for admissions to YR in 2020 (the closing date was 15 January) on the understanding that the PAN was 90.
10. I questioned the local authority regarding the proximity of the date of the request for a variation (8 January 2020) and the closing date for applications and the local authority told me, *“In accordance with the guidance, as part of the period of notice, the school, and the Local Authority made the information available that the school had applied for a reduction in the PAN, therefore the parents would have been making an informed choice.”* I asked the local authority to tell me what this meant in practice and it explained that it had asked, in November 2019, for schools to provide information on their websites for parents on the proposed reduction. It has not given me any confirmation that schools followed this request, for example, by providing example screen grabs from the relevant websites. Moreover, while some parents considering listing a school as one of their preferences might visit the school’s website, others may not.
11. Applications are of course made to the local authority in which parents live and for these schools, the admission authority is the local authority and so it is on its website that admission arrangements are to be found. I cannot be confident that this information was effectively brought to the attention of those considering listing the school as one of their preferences, and I remain of the view that some parents at

least may well have made their preferences unaware of the proposed reduction in PAN.

12. I will consider first the need for school places in the area. The local authority area comprises a densely populated part of inner London. The surrounding local authority areas of Croydon, Westminster, Southwark and Merton are similarly urban. There are large number of primary schools potentially within reach of those living in the local authority area and in its neighbouring authorities. For example, the government website, *“Find and compare schools in England”* shows 21 state funded primary schools admitting children to YR within one mile of the school.
13. The local authority has a duty to make sure that there are sufficient school places and, to do this, plans on the basis of planning areas. The school is in the planning area known as the Brixton planning area (the planning area) which contains 16 primary schools admitting children to YR. Four of the other five schools for which reductions in PANs are being proposed are in different planning areas and one, Fenstanton Primary School, is in the same planning area. That proposed variation is the subject of my determination VAR906.
14. Table 1 below shows data provided to me on the planning area: the sum of the PANs of the primary schools, the number of children in YR in recent years, the local authority’s forecasts for the number of children requiring a place in YR in 2020 and 2021 and the difference between the places available and the sum of the PANs and the forecasts as appropriate.

Table 1: the number of children and places available in the planning area

	2017/18	2018/19	2019/20	2020/21	2021/22
Sum of PANS of the schools in the planning area	847	862	870	855	885*
Number of children in YR at date of relevant census	744	684	690	694 (forecast)	654 (forecast)
Difference between the places available and the number of children (the number of vacant places)	103	178	180	161	231
Difference shown as a percentage of the whole (the percentage of vacant places)	12%	21%	21%	19%	26%

*figure for 2021 as provided by the local authority on 8 January 2020

15. Table 1 shows both an increasing number of places available in recent years and, overall, an increasing proportion of vacant places since admissions in 2017. For 2020 there are 19 per cent vacant places forecast, this is a high proportion. If the number of places were reduced by 30, as proposed through the variation, then there would still be 131 surplus places in 2020 which would reduce the percentage surplus to 16 per cent. This is still a high proportion and so I am confident that if the PAN at the school were to be reduced by 30 places then there would be sufficient places for all the children in the area.

16. The variation requested for Fenstanton Primary School is a separate matter, which is addressed in determination VAR906, but I note that if the variations for both schools were agreed, therefore reducing the overall number of places by 60 to 795, there would still be 101 surplus places forecast. This would be nearly 13 per cent which would give me no concerns that there would be insufficient places for children in the planning area requiring a place in YR in 2020.

17. Table 2 shows the number of children in YR at the school in recent years and the forecast made by the local authority for 2020 and 2021.

Table 2: Numbers of children in YR at the school

	2017/18	2018/19	2019/20	2020/21	2021/22
PAN for the school	90	90	90	90	90
Number of children in YR	63	82	77	75*	73*
Difference	27	8	13	15*	17*

*forecast figures

18. The data provided shows that more than 60 children, 60 being the proposed PAN, have been admitted to the school to YR each year since 2017. Furthermore, the forecast is that more than 60 children would be admitted to the school if the PAN were to remain at the determined level of 90. As discussed above I am aware that parents have already made their applications for admissions in 2020 and that some parents may have been aware of the proposed reduction. However, some may not have been aware and those who did may or may not have understood how their own application would fare with a reduced PAN.

19. In these circumstances, and given the level of demand expressed for places at the school in recent years there would need to be a strong justification to reduce the PAN to 60 as there is no doubt about the school's physical capacity to accommodate up to 90 in each year group. I note that the number of first preferences made for the school for admission in 2017, 2018 and 2019 was 60 or below. However, the data also shows that more than 60 children were admitted each year which means that the school was the highest preference that could be

met for 63, 82 and 77 children in 2017, 2018 and 2019 respectively. A reduction in PAN is likely to mean that some children will have to go to a school that their parents would have preferred less than they preferred Stockwell Primary School.

20. If 90, or close to 90, children are admitted then a school can organise YR provision in three classes each containing 30 or nearly 30 children. Given that schools are funded primarily on the basis of pupil numbers, this is financially efficient. If the PAN is 90 and far fewer children, but more than 60, are being admitted to the school then this can lead to financial problems. In this case the local authority explained that the numbers in the school were reducing in all years and that a PAN of 60 would mean that the school could have two classes for YR rather than three.
21. Infant class size regulations mean that for infant aged children, there must not be more than 30 children to a single school teacher (except in limited circumstances). In addition, in a normal year of entry a school must admit all those who apply up to the PAN. A PAN of 90 could thus mean that just over 60 children are admitted to the school and the school having, because of infant class size regulations, to provide three teachers to teach them. However, 82 children were admitted to YR at this school in 2018 and 77 in 2019. This is considerably above 60 children and 75 children are forecast to be admitted in 2020 if the PAN is not varied.
22. I asked the local authority to provide me with further information on the justification to reduce the PAN in these circumstances. The local authority explained that birth rates have been reducing for some years and this affects the number of children likely to be seeking a place in YR in due course. The local authority provided a map which shows the home addresses of those in YR now and this shows that children admitted to the school often live closer to other schools and pass them to travel to the school. It would be those children who live further away who would not get a place at the school if the PAN were reduced to 60. There is no doubt that there are other places available to them in easy distances of their homes. Equally, however, there is little doubt that there are parents who would prefer this school who would have to be disappointed if the PAN were reduced.
23. I have taken account of all the information provided to me. The school has sufficient space to admit 90 children and the evidence provided to me indicates that it is likely that significantly more than 60 children would be admitted to the school if the PAN remained at 90 as determined and parents have already made their applications for 2020. I have not been provided with strong and specific evidence of the need to reduce the PAN. In these circumstances I have decided that the variation is not justified by the circumstances.

Determination

24. In accordance with section 88E of the School Standards and Framework Act 1998, I do not approve the proposed variation to the admission arrangements determined

by the London Borough of Lambeth for Stockwell Primary School for September 2020.

Dated: 14 February 2020

Signed:

Schools Adjudicator: Deborah Pritchard